

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

January 23, 2003

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, January 23, 2003, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Bud Hentzen, Chair; Kerry Coulter, Vice-Chair; Jerry Michaelis; Ron Marnell; Bill Johnson; Frank Garofalo; Ray Warren; James Barfield (late arrival); Don Anderson; David Wells and Elizabeth Bishop. John McKay, Jr.; Harold Warner; and Dorman Blake were not present. Staff members present were: Dale Miller, Secretary; Donna Goltry, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely Associate Planner; Dave Barber, Land Use Supervisor and Rose Simmering, Recording Secretary.

1. **Approval of MAPC meeting minutes of January 9, 2003.**

MOTION: Deferred until February 6, 2003.

2. **Consideration of Subdivision Committee Recommendations**

2-1. **SUB2002-131 – Final Plat –NORTHRIDGE ADDITION (FORMERLY SAND CREEK ADDITION), located north of 37th Street North and west of Ridge Road.**

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering has approved the drainage plan. City Stormwater Management advises of a possible need for a FEMA Map Revision in addition to permit approval by DWR and the Corps of Engineers.**
- D. The Applicant shall provide for paved access of 37th St. North between the nearest paved segment and the entrance to the subdivision.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- G. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- H. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- I. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. Westar Energy has requested additional easements.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-2. SUB2002-133 – Final Plat – WALKER ESTATES ADDITION, located on the southwest corner of 183rd Street West and 29th Street North.

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. Existing lagoons on Lot 5 currently serve homes on Lots 2 and 3. A restrictive covenant will need to be provided that requires removal of the lagoons upon development of Lot 5.
- B. The site is currently located within the Rural Water District No. 4. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and County Code Enforcement from the water district to that effect.
- C. The Subdivision Committee has determined that this access shall be considered as a private drive. The applicant proposes to submit a restrictive covenant limiting the private drive to three lots. County Fire Department has approved the width of the drive and has required an all-weather surface.
- D. A covenant shall be submitted regarding the private drive which sets forth ownership and maintenance of the private drive, and future reversionary rights to the lots benefiting from the private drive. The plat's text shall reference the platting of the private drive and shall state which specific lots are to be accessed by the private drive.
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. County Engineering requests the expansion of the drainage reserve from sec 0+25 to sec 3+50 (Lot 1) to include all of the property below elevation of 1401.5, to agree with the water surface elevations. From the water surface for sec 9+74 a spillway exists on the east side of the dam up to elevation 1408.9. The drainage reserve needs expanded, from sec 3+50 to sec 10+50, on the north side of the access easement (Lots 1 and 2) to include all of the property below elevation 1409. The drainage reserve needs expanded from sec 13+00 to sec 15+50 to include all property below elevation 1410.0 (Lots 2 and 3).
- G. The plat's text shall denote the creation of the floodway reserves in addition to including the standard floodway language.
- H. The language in the plat's text regarding the contingent street dedication needs to be revised to replace reference

to Lot 5, Block A with Lot 1, Block A.

- I. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- J. **County Engineering** requests the contingent dedication of a major intersection right of way along with a 25 x 25-ft corner clip. The contingent dedication shall be referenced in the plat's text as becoming effective in the event that the appropriate governing body determines a need for the right-of-way for any street-related purposes.

The contingent street dedication has been platted as requested.

- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-3. SUB2000-88- Final Plat – RIO VISTA ESTATES FOURTH ADDITION, located on the northwest corner of 61st Street North and Meridian Avenue.

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The Applicant shall guarantee the extension of City water and sanitary sewer to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. The Applicant shall guarantee the paving of the proposed interior streets.
- F. The Applicant will submit a petition for the half -street paving of 61st St. North.

- G. **Traffic Engineering** has requested a guarantee for a left turn lane on Meridian.
- H. **City Fire Department/GIS** needs to comment on the street names. **The street names are approved.**
- I. The paving guarantee shall include the installation of a temporary turnaround at the terminus of Richmond at the plat's north line. The plat's text should be revised to reference Richmond and indicate that the vacation of the temporary turnaround area will be effective upon the extension of the street northward.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- L. The Applicant needs to verify the location of the pipeline easement indicated in the platting binder. The easement shall be shown if encumbering this plat, or verification provided that it is off-site or has been released.
- M. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- N. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-729-0102) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-4. SUB2002-124- Final Plat – GOD'S COUNTRY ADDITION, located on the northeast corner of 247th Street West and 45th Street North.

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact

County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. **An approval memorandum has been issued.**

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **The north/south drainage easements on Lots 5,6,7,and 8 need to be realigned to accommodate driveway locations. A guarantee is needed for drainage improvements. A final drainage plan is needed.**
- D. Two joint openings are proposed along both 45th St. North and 247th St. West. **Access controls are approved.**
- E. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- F. The Access Management Regulations require a 25-ft x 25-ft corner clip street dedication at the intersection corner.
- G. Access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed)
- H. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for the lots fronting on 247th St. West. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. **A modification has been approved.**
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, BISHOP seconded the motion, and it carried (10-0).

2-5. SUB2002-129– Final Plat – VAUGHNS' TWO OAKS ADDITION, located north of 79th Street South and on the east side of 119th Street West.

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. **Based on the lot sizes being platted, this approval must be for the use of septic systems.**
- B. The site is currently located within the Rural Water District No. 4. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **A drainage plan is needed. Terraces on site need to be reflected on the drainage plan.**
- E. Two openings along 119th St. West are proposed, including one joint opening. **Access controls are approved.**
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- H. Access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) The surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- I. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- J. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- K. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- L. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- M. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- N. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- O. Perimeter closure computations shall be submitted with the final plat tracing.
- P. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Q. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.

- R. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.
- S. **The applicant will be relocating the utility easement from between Lots 1 and 2, to the south line of Lot 2.**

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-6. **SUB2002-68– Final Plat – PRAIRIE CROSSING ADDITION, located on the south side of Central and west of 151st Street West.**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. Due to the size of the platted lots, approval will be needed for the use of septic systems.
- B. The site is currently located within the Rural Water District No. 4. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
- C. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and City water services.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **County Engineering requests that temporary easements shown on the drainage plan be reflected on the plat.**
- F. The Applicant shall submit a restrictive covenant tying the lots together and limiting each building site to one dwelling unit until the property is annexed by the City of Wichita and municipal water and sanitary sewer services become available. The covenant shall also restrict the location of structures on this plat to avoid interference with the possible future streets, easements and setbacks and limit future development until submittal of a paving petition.
- G. The plat needs to indicate contingent dedications of street right-of-way for all streets other than Reece Road. On the final plat, the contingent dedications of right-of-way need to be referenced in the plat's text.
- H. **County Engineering** requests complete access control to Reece Rd. from Lot 1, Block 1 and Lot 1, Block 5.
- I. The applicant shall guarantee the installation of Reece Road. **County Public Works** has advised that Reece Rd. needs to be installed prior to development of the individual lots.
- J. The street guarantee shall include the installation of a temporary turnaround at the terminus of Reece Road at the plat's south line.
- K. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council certification needs to be included on the final plat.
- L. The **County Fire Department/CountyGIS** needs to comment on the plat's street names. **Jennie Cir and Taylor Cir need revised to Reece Ct.**
- M. The plat shall be revised to reference R2W instead of R1E on the face of the plat.
- N. Access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) The surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed)
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-7. S/D 98-122- REVISED FINAL Plat – IVY CHRISTINE SECOND ADDITION, located west of Hoover and south of Maple.

- A. Sanitary sewer is available to serve this site. The Applicant shall guarantee the extension of City water to serve the lots being platted. **City Engineering** shall comment on the need for any additional guarantees.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning department for recording.
- C. **City Engineering has approved the drainage plan.**
- D. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- E. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- F. The applicant shall obtain the northern half of right-of-way for University Circle.
- G. The applicant shall participate in a petition for the paving of University Circle extending west from Arapaho.
- H. The joint access opening shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- I. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lots 2 and 3. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. **The waiver is approved.**
- J. The platlor's text needs to be corrected to reference the correct year.

- K. The signature line for the City Clerk needs to be revised to reference "Pat Graves".
- L. On the final plat tracing, the MAPC signature block needs to reference "Dale Miller, Secretary".
- M. On the final plat tracing, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- N. The applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-8. SUB2002-136-- One-Step Final Plat -- FRIENDS UNIVERSITY THIRD ADDITION, located on the north side of Kellogg and east of Meridian.

- A. Municipal services are available to serve the site. City Engineering needs to comment on the need for guarantees or easements.
- B. A temporary easement by separate instrument should be submitted to cover the existing water line, sanitary sewer and storm sewer to be relocated unless the utilities are relocated before the plat is recorded.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan. **A reserve for the pond should be platted. The drainage plan is approved.**
- E. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.

- F. The applicant shall guarantee the closure of the street returns for the vacated streets.
- G. The platlor's text shall note the dedication of the street to and for the use of the public.
- H. **County Surveying** requests that the easements be located.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. A covenant shall be submitted regarding ownership and maintenance responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-9. SUB2002-139- One-Step Final Plat – WIENS TRACTS ADDITION, located west of Greenwich and on the north side of 109th Street North.

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- B. The site is currently located within the Rural Water District No. 1 which requires a 10-acre minimum lot size. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- D. **County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan needs to address the effect of terraces on development. Terrace arrows show flow to the south rather than to the north.**
- E. Access controls need to be platted along 109th St. North. The opening for Lot 2 shall be located along the east property line. The final plat shall reference the dedication of access controls in the plat's text.
- F. The west line of Lot 1 needs to be a solid line.
- G. Dimensions are needed on the south line of Lots 1 and 2.
- H. On the final plat, the MAPC signature block needs to reference "Dale Miller, Secretary".
- I. On the final plat, the MAPC signature block needs to reference "Bernard A. Hentzen, Chair".
- J. The year "2003" needs to replace "2002" within the signature blocks.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. Access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) The surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed)
- M. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- U. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has requested additional easements.**
- V. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

2-10. SUB2002-141– One-Step Final Plat – CESSNA ELEMENTARY SCHOOL ADDITION, located south of 45th Street South and east of Meridian.

- A. Municipal services are available to serve the site. City Engineering needs to comment on the need for guarantees or easements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. *The drainage plan is approved. The applicant will need to connect to the stormwater sewer in Clarence as part of site development.*
- D. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- E. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- F. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- G. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- I. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- K. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- N. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- O. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

BARFIELD in at 1:40 p.m.

Item 3-1 through 3-3 may be taken in one motion, unless there are questions or comments.

3-1. VAC2002-41 Request to Vacate a Platted Setback.

OWNER/APPLICANT: Kevin & Tamara Keen

LEGAL DESCRIPTION: The 75-foot platted setback shown the north property line of Lot 1, Block A, Quail Creek Estates Addition

LOCATION: Generally located southwest of the 47th Street South – Greenwich Road intersection, 11005 E 47th Street South.

REASON FOR REQUEST: The applicant proposes to build a garage.

CURRENT ZONING: Subject property and properties all around are zoned RR Rural Residential.

The applicant is requesting consideration for the vacation of the south 15-feet of the platted 75-foot setback, located on the north side of the property (47th Street South frontage) as recorded on Lot 1, Block A, Quail Creek Estates Addition. The request is a 20% reduction of the platted setback that would make the setback 60-feet. This setback ends at its points of intersection with platted 75-foot setbacks on its east and west sides. The applicant proposes to build a garage/barn. The UZC does not allow setbacks to be closer than 100-feet from the centerline of arterial streets; Art III, Sec. III-E. The reduction of the setback to 60-feet does not violate this development standard. The USC allows accessory structures nearer to the front property line than the principal structure when the lot is 5 acres or more in size where the front setback line for accessory structures shall be the same as required for principal structures; Art III, Sec III-E. The applicant's lot is 5 acres. The Quail Creek Estates Addition was recorded with the Register of Deeds 09-08-1994.

Based upon information available prior to the public hearings, planning staff recommends approval to vacate the platted setback.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time January 3, 2003, which was at least 20 days prior to this public hearing.
 2. That private rights will not be injured or endangered by the vacation of the above-described portion of the platted setback, and the public will not suffer loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of the platted setback described in the petition should be approved subject to the following conditions:
- (1) Vacate the south 15-feet of the platted 75-foot setback, located on the north side of the property (47th Street South frontage) as recorded on Lot 1, Block A, Quail Creek Estates Addition.
 - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 - (3) All improvements shall be according to City Standards.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the south 15-feet of the platted 75-foot setback, located on the north side of the property (47th Street South frontage) as recorded on Lot 1, Block A, Quail Creek Estates Addition.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (3) All improvements shall be according to City Standards.

BILL LONGNECKER, Planning staff presented staff report.

KEVIN KEEN, Applicant 11005 E 47th Street South: I built this house two years ago. I want to put a barn/workshop to give my front yard more space. I want to maximize my space with the five acres that I have.

GAROFALO Go to the map and point out your house.

KEEN Points on the map.

GAROFALO Can you give an approximate distance if the setback is left the way that it is?

KEEN 15-feet.

GAROFALO If we left the setback as is, what would be the distance between the barn/workshop and your house?

KEEN It is about 100 feet or more.

PATRICIA BERAN, 11700 E. 51st S., DERBY, KS 67037: I oppose this because of the rural atmosphere and the openness of the area that I think will be ruined by moving this building. This is nothing personal. Their yard is beautiful and always well tended. My problem is that in the future the 140 acres that we own east of them, should our children decide to build, in the future, moving this building this much closer to the road--it will give this a less rural look. Most people want an uncluttered look out there. This setting is very nice looking.

HENTZEN Is your property on that map?

BERAN Shows on map. We are not in view of this property from our home right now. It is strictly what will this look like in the future.

JOHNSON What is the setback on Greenwich?

LONGNECKER Greenwich and 47th it would be 100-foot from the centerline.

JOHNSON The one on the north is 75 foot from the property line?

LONGNECKER Yes.

JOHNSON So there is actually less setback on Greenwich then there is on 47th Street.

LONGNECKER No, there is actually a platted 75-foot setback on the Greenwich Road side also. Three sides of this property have a platted 75-foot setback, only the south side does not have one.

JOHNSON Could they build the barn farther east from the house and would it be legal?

LONGNECKER As long as they didn't encroach into the platted 75-foot setback.

MOTION: To approve as presented.

COULTER moved, **ANDERSON** seconded the motion, and it carried (11-0).

3-2. VAC2002-42 Request to Vacate a Platted Easement.

OWNER/APPLICANT: Walmart Stores Inc.
Royal Associates
Wichita Inn West Joint Ventures

AGENT: Robert Kaplan

LEGAL DESCRIPTION: That portion of the platted 20-foot utility easement, as located on the west side of Lot 1, The Landing 2nd Addition.

That portion of the platted 10-foot utility easement, as located on the west side of Lot 1, Air Park 3rd Addition.

LOCATION: Generally located northwest of the West Kellogg Drive – Julia interchange, 6110 W Kellogg Drive.

REASON FOR REQUEST: The applicant proposes to demolish some existing buildings and to expand off of an existing building for a Super Walmart.

CURRENT ZONING: Subject property and properties to the west and south are zoned GC General Commercial. Property to the east is zoned LC Limited Commercial and GC General Commercial. Property to the north is zoned SF-5 Single Family Residential.

The applicants are requesting consideration for the vacation of the platted 20-foot utility easement as recorded on Lot 1, The Landing 2nd Addition and the platted 10-foot utility easement as recorded on Lot 1, Air Park 3rd Addition. The applicants propose to demolish the existing motel and bar on Lot 1, Air Park 3rd Addition and to expand on the existing Walmart to make it a Super Walmart. This site has CUP overlay on it. A request for an amendment to CUP has been filed.

Based upon information available prior to the public hearings, planning staff recommends approval of this request to vacate the platted easements.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time January 2, 2002, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described platted easements and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the easement described in the petition should be approved subject to the following conditions:

- (1) The applicants provide a guarantee of the abandonment of the sewer in the easement, per the standards of the City of Wichita Public Works Department.
- (2) The applicants provide Staff with temporary easement(s) to cover the existing sewer/utilities until it/they've been relocated or retain the current easements until the sewer they cover is abandon.
- (3) Provide Staff with replacement easements to be recorded with the Register of Deeds to cover all the relocated utilities, which must be approved by the Public Works Engineer or the Utility Companies.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (5) All improvements shall be according to City Standards.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) The applicants provide a guarantee of the abandonment of the sewer in the easement, per the standards of the City of Wichita Public Works Department.
- (2) The applicants provide Staff with temporary easement(s) to cover the existing sewer/utilities until it/they've been relocated or retain the current easements until the sewer they cover is abandon.
- (3) Provide Staff with replacement easements to be recorded with the Register of Deeds to cover all the relocated utilities, which must be approved by the Public Works Engineer or the Utility Companies.
- (4) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (5) All improvements shall be according to City Standards.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WARREN moved, **BISHOP** seconded the motion, and it carried (11-0).

3-3. VAC2002-43 Request to Vacate Platted Floodways.

<u>APPLICANT/OWNER:</u>	West Evangelical Free Church c/o Donald Shoesmith
<u>LEGAL DESCRIPTION:</u>	Two floodway areas as recorded on the plat for Lot 1, Maranatha Addition.
<u>LOCATION:</u>	Generally located southwest of the 13 th Street North— Maize Road intersection, 1161 N Maize Road.
<u>REASON FOR REQUEST:</u>	To allow for expansion of the church

CURRENT ZONING:

Subject property and properties to the west, east and south are zoned SF-5 Single Family. Property to the north is zoned LC Limited Commercial & SF-5 Single Family Residential.

The applicant is requesting consideration to vacate the platted floodways located on the southwestern and south central areas of Lot 1, Maranatha Addition. The Maranatha Addition was recorded November 10, 1980. The applicant has met with the City of Wichita Storm Water Management and secured their recommendation for approval of the vacation request.

Based upon information available prior to the public hearings, Planning Staff recommends approval to vacate a portion of the platted floodways located on the southwestern and south central areas of Lot 1, Maranatha Addition.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time January 2, 2003, which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described platted floodway and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the platted floodway described in the petition should be approved subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to City Standards.
3. Dedicate joint access between Lot 1, Maranatha Addition and Lot 2, Huntington Park Addition.
4. Dedicate 10-foot of ROW on the east side of Lot 1, Maranatha Addition, to be added to Maize Road.
5. Retain a triangular portion of the southwest corner of the southwest platted floodway, as determined by the Public Works Department.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

1. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
2. All improvements shall be according to City Standards.
3. Dedicate joint access between Lot 1, Maranatha Addition and Lot 2, Huntington Park Addition.
4. Dedicate 10-foot of ROW on the east side of Lot 1, Maranatha Addition, to be added to Maize Road.
5. Retain a triangular portion of the southwest corner of the southwest platted floodway, as determined by the Public Works Department.

BISHOP I would like to ask for clarification of the action taken at the Subdivision Committee meeting. I had misunderstood the recommendation by the Subdivision Committee, and was under the impression that what the Subdivision Committee decided, was to vacate what is basically the right triangle shaped floodway and retain the left triangle shaped floodway. When I reviewed the material in the staff report in my packet, I see that I was somewhat mistaken.

LONGNECKER This vacation request was to vacate the two floodways. Staff recommended that this vacation be approved. The condition that Commissioner Bishop is referring to is No. 5 of the staff report, which states that a triangular portion of the southwest corner of the southwest platted floodway, as determined by Public Works Department, will possibly be retained.

The Public Work Department's Vicky Huang and Storm Water Management have agreed that these floodways are no longer needed for the purpose of flood control. However, they both agreed that a portion of the southwestern platted floodway should be retained. That portion to be retained has not yet been determined. It will be determined when the applicant's engineering firm meets with the City and presents a drainage study, which will show, basically, how this site will be built out and how that will effect the runoff. The southwestern platted floodway and the channel in the platted reserve are very close together, and until the drainage study is done, that portion of the floodway to be retained cannot be determined. The applicant has spoken to an engineering firm about the drainage study.

BISHOP If the drainage study that is conducted pursuant to our action today should determine that there is a problem with the other floodway would we have any recourse to ask them to retain a portion of that as well?

LONGNECKER The procedure on all vacation requests is that after they have been reviewed and a recommendation has been made by the MAPC, they then precede to the Wichita City Council or the Sedgwick County Board of County Commissioners for final approval. If conditions are attached to the vacation case, these conditions must be met before they go to WCC or the BOCC. In this particular vacation case, one of the conditions that must be completed, before final approval by the WCC and subsequent recording of the vacation order, is the drainage study. The drainage study will determine what portion, if any, of the platted floodways will be retained. It could be some time before it goes to WCC because of the drainage study.

WARREN Subdivision Committee looked at this and it was all a slam-dunk. We did not see any problem with this plan as we were advised by those with the expertise on the subject about what was needed to be done for the vacation to be completed.

MOTION: To approve the request, subject to retaining of the corner of western floodway area.

JOHNSON moved, **COULTER** seconded the motion, and it carried (10-1) **BISHOP** opposed.

HENTZEN Anyone here on the Grace Park Addition case? It is not on the Agenda I just want to make sure nobody is here to speak today.

WARREN The one on Lincoln?

HENTZEN We will just forget about that item for this meeting because there is nobody here today on that item.

HENTZEN Anyone to speak on Items 4, 5, 7, 8, 9?

AUDIENCE No. 7, and No. 4 will be pulled for the public to speak.

4. Case No.: ZON2002-66 – Mohammed Agahkhani request a zone change from “SF-5” Single-family Residential to “LI” Limited Industrial on property described as:

A tract in the Northeast Quarter of Section 29, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as beginning 1323.75 feet south of the Northeast corner of Lot 1, in said Northeast Quarter; thence South 330.24 feet; thence West parallel to the north line of said Northeast Quarter 1319.62 feet more or less to the west line of the East Half of said Northeast Quarter; thence North 330.24 feet; thence East 1318.5 feet more or less to the point of beginning. Generally located Northwest of the intersection of 43rd Street North and Webb Road.

BACKGROUND: The applicants request a zone change from “SF-5” Single-Family Residential to “LI” Limited Industrial on the approximate 8.5-acre site located southwest of the 45th Street North – Webb Road intersection. The site has frontage on Webb Road. The site is part of approximately 10 unplatted acres, of which the northeast 1.7 acres (465-feet x 160-feet) is zoned “LI”. The “LI” property contains a small accessory building. The zoning was granted in 1967 to bring a non-conforming use into compliance. The applicant proposes to develop the subject property, plus the already zoned “LI” 1.7-acres, as an office – manufacturing – warehouse complex for “Ancient Formulas Incorporated”, a dietary supplement business.

“SF-5” zoning abuts the site on its south, west and north sides. The Webb Acres Addition and the Sun-Air Estates Addition to the south are developed with single-family homes on 9 lots, $\frac{3}{4}$ - 1 $\frac{1}{2}$ acres in size. South of these lots are 3 tracts, zoned “SF-5” each over 4 acres, with houses on two of the lots. The rest of the Sun-Air Estates Addition to the west of the site contains 49 lots, 1 $\frac{1}{4}$ - 1 $\frac{1}{2}$ acres in size and developed as single family residential. North of the site are 13 tracts, $\frac{3}{4}$ acres to 10 acres in size, and developed as single family residential. The property to the east is zoned “RR” Rural Residential on the north half and “LI” on the south half. The “RR” zoned property is actively used for agriculture. The “LI” zoned property is the beginning of Jabara Airport.

The Jabara Airport development is the northern edge of an extensive section of land zoned “LI” and developed as an airport, manufacturing, warehouse and office complexes. This development begins on the south side of 43rd Street North, continues south to the 29th Street North – K-96 – Webb Road interchange, goes east to Rock Road south of 37th Street North and east to a point roughly half way between Webb Road and Greenwich. This large, active industrial area is not completely developed.

Since the properties to the north, south, west and east have residential zoning, screening and buffer landscaping will be required around the site. The compatibility setback standards will be required around property line unless a Zoning Adjustment is granted by the Planning Director and Zoning Administrator to reduce or waive the compatibility setback.

CASE HISTORY: The property is not platted. In the mid-1960's this property and the area around it had its zoning changed because of the extension of the 3-mile Wichita area of zoning influence. As a result of this and the subsequent re-zoning of the property to “R-1” Suburban Residential, a boarding kennel on the property became a non-conforming use. The owners of the property applied for a zoning change of “E” Light Industrial from “R-1” for the area containing the

kennel: the 465-feet x 160-feet area on the northeast corner of the site. This change to "E" zoning was to bring the kennel area into compliance, while keeping the rest of the property zoned "R-1". The MAPC recommended denial of the request on 1-26-1967. The BOCC approved the request on 2-15-1967.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Large lot single family residential
SOUTH:	"SF-5"	Large lot single family residential
EAST:	"RR" & "LI"	Agricultural & Jabara Airport
WEST:	"SF-5"	Large lot single family residential

PUBLIC SERVICES: The site has frontage along Webb Road, a paved 2-lane arterial at this location. Public water and sewer service is not available and will have to be extended to the property. Department of Environmental Health does not approve of on site sewage systems in industrial zoning districts.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Comprehensive Plan recommends that "Low Density Residential" development be located away from adverse surrounding land uses, such as major industrial and commercial areas. The site is abutted on its west, north and south sides by large lot single-family residential development, which is conformance to the Comprehensive Plan and likely to remain single-family residential. The industrial zoning and development to the east is across Webb Road and is likely to remain the Jabara Airport's landing and take-off area/air-strips.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be DENIED. The Comprehensive Plan does not indicate that an expansion of a small, 17-acre, isolated area zoned "LI" would be appropriate for this area, which is recommended for low-density residential. The 1.7-acre site was to bring a pre-existing use into compliance; that use is no longer on the site and it would be an example of "spot" zoning to expand the existing "LI" zoning. "Spot" zoning singles out a parcel of land for special treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances that call for different treatment. "Spot" zoning also departs from the Comprehensive Plan.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is abutted by large lot single-family residential development on its north, south and west sides. There is more single-family residential development west of the area and undeveloped "RR" and developed "SF-5" zoning north of the site. All industrial zoning is either approximately ¼ mile south of the site, or southeast of the site and on the east side of Webb Road. The exception is the 1.7-acre section of the 10-acre site that was zoned in 1967 to bring a kennel (that was there prior to the re-zoning in the mid-1960's) into conformance. The immediate area is overwhelmingly residential.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential and developed residential. The site's best use is residential. The kennel on the site is gone and so is the reason for the 1967 light industrial zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The zoning change request is totally out of character with the area. An expansion of the existing 1.7-acre "LI" zoning would allow uses that should be located away from residential development. The requested change would thrust an isolated spot of zoning that would allow some of the least restricted activities into an area that is the under zoning subject to the most restrictive
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for low-density residential development. The request for the "LI" zoning change on the remaining 8.5 acres of the site would introduce uses that should be (but wouldn't be) separated from the existing residential development by open space, water spaces or abrupt changes in topography. The request amounts to an expansion of spot zoning.
4. Impact of the proposed development on community facilities: Impact would be significant. There is no water or sewer available on the site and it would have to be extended to the site. The traffic would go from what is generated by a large single-family lot to a manufacturing facility. This would mean an increase in automobile traffic, as represented by the employees of the proposed business and introduce truck traffic that is not characteristic of low-density residential zoning and development.

If, however, the Planning Commission believes this is an appropriate use, staff recommends approval subject to a platting within a year and a Protective Overlay, to minimize the effect of the proposed "LI" zoning.

- (1) The following uses shall not be permitted:
 - (a) Adult entertainment; microbrewery; liquor store; nightclub; tavern and drinking establishment; multi-game, casino-style gambling facility; pawnshop; tattooing and body piercing.
 - (b) Group residence, limited and general; correctional placement residence, limited and general; correctional facility; day reporting center and drug & alcohol rehabilitation center; Group home,

- commercial, limited and general; funeral home; personal care service; personal improvement service
- (c) Asphalt or concrete plant, limited and general; mining or quarrying; oil or gas drilling; rock crushing; solid waste incinerator; gas and fuel storage and sales; wrecking or salvage yard; recycling process center; recycling station private and public; manufacturing general; transfer station; welding or machine shop; agricultural processing and landfill.
 - (d) Vehicle and equipment sales, outdoors; car wash; vehicle repair, limited and general; vehicle storage yard; billboards; wireless communication facility; second hand store; construction sales and service; convenience store; hotel - motel; nurseries and garden center; printing and copying, general and limited; recreation & entertainment, indoor and outdoor; fast food restaurant and restaurant; service station; bank or financial institution; broadcast radio station; funeral home; medical service; hospital; retail general; wholesale or business service; and outdoor storage and self-storage
 - (e) Animal care limited and general and kennel hobby, boarding, breeding and training.
- (2) Compatibility setback standards shall be implemented as well as screening and landscape buffering, per the Unified Zoning Code and the Landscape Code.
 - (3) No outdoor work, outdoor storage or outdoor display shall be permitted.
 - (4) All buildings shall be designed and built of materials that compliment the residential character of the single-family residential area.
 - (5) No outside amplification systems
 - (6) All outside lighting shall be directed onto the site and be no taller than 15-feet.
 - (7) No structure shall be higher than 35-feet.
 - (8) Private on site sewage system would have to be approved by Environmental Health. A restrictive covenant would be required limiting disposal of waste. No hazardous material or waste would be allowed to be disposed of on site.

BILL LONGNECKER, Planning staff. The applicant wants to defer this case until February, 6, 2003.

HENTZEN The applicant said they would like to say something.

KIM EDGINGTON, AM Consulting Incorporated, agent. We did notify all the people in this entire quarter section that we would be asking for a deferral today and we are asking for a deferral until February 6, 2003. We met on Jan 4, 2003 with the neighbors and we want to continue those meetings.

HENTZEN Anyone to speak on this application?

MOTION: To defer until February 6, 2003.

JOHNSON moved, **WARREN** seconded the motion, and it carried (11-0).

5. **Case No.: ZON2002-71** – Maize Road LLC, Jay Russell, Randy Johnson (development manager) request a zone change from "LC" Limited Commercial to "SF-5" Single-Family Residential

SOUTHERN RIDGE DOWN ZONING UNPLATTED TRACT

That part of the NE 1/4 of Sec. 6, Twp. 28-S, R-1-W of the 6 th P.M., Sedgwick County, Kansas described as follows: Commencing at the NE corner of said NE 1/4; thence S 89 degrees 57'56"W along the north line of said NE 1/4, 475.00 feet for a point of beginning; thence S 00 degrees 18'18"E parallel with the east line of said NE 1/4, 600.00 feet; thence S 89 degrees 57'56"W parallel with the north line of said NE 1/4, 125.00 feet; thence N 00 degrees 18'18"W parallel with the east line of said NE 1/4, 600.00 feet to a point on the north line of said NE 1/4; thence N 89 degrees 57'56"E along the north line of said NE 1/4, 125.00 feet to the point of beginning.

SOUTHERN RIDGE DOWN ZONING LEGAL AS PART OF RECORDED PLAT

That part of Lots 11, 12, 13, 14, 29, 30, 31 and 32, Block A, and that part of Atlanta Cir., Westgate Ct., and Pawnee Ave. in Southern Ridge Addition, Wichita, Sedgwick County, Kansas lying east and north of the following described line: Commencing at the NE corner of the NE 1/4 of Sec. 6, Twp. 28-S, R-1-W of the 6 th P.M., Sedgwick County, Kansas; thence S 89 degrees 57'56"W along the north line of said NE 1/4, 600.00 feet for a point of beginning; thence S 00 degrees 18'18"E parallel with the east line of said Block A, 600.00 feet; thence N 89 degrees 57'56"E parallel with the north line of said Block A, 125.00 feet to a point on the east line of said Block A, and there ending. Generally located South of Pawnee and west of Maize Road.

BACKGROUND: The applicant requests "SF-5" (Single-Family) zoning on a 1.72-acre site for single-family residential development. The site is part of a larger residential plat, the Southern Ridge Addition, approved by the Wichita City Council on December 17th, 2002. The application area is currently developed with agricultural uses. The site is on the south side of Pawnee, east of the Maize and Pawnee intersection. Property north of the application area is zoned "SF-5" and developed with single-family residences; south and west of the application area is property zoned "SF-5" and platted for single-family residences; east of the application area is the "LC" (Limited Commercial) zoned arterial intersection, also under agricultural use.

The proposed zone change, from "LC" to "SF-5," and the proposed development, would require conformance to all property development standards in the Wichita-Sedgwick County *Unified Zoning Code* (UZC).

CASE HISTORY: The application area was recently platted as the Southern Ridge Addition, under subdivision case SUB2002-00055.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5"	single-family homes
SOUTH: "SF-5"	agriculture, platted for single-family homes
EAST: "LC"	agriculture, single-family home
WEST: "SF-5"	agriculture, platted for single-family homes

PUBLIC SERVICES: The site is on the south side of Pawnee, east of the Maize and Pawnee intersection. Pawnee is an unpaved, two-lane section line road at this location. This request is to downzone the application area; traffic generated by "SF-5" uses should be significantly lower than traffic that could be generated by uses permitted under the current "LC" zoning. Improvements to Pawnee have been determined through the platting process. City water and sewer are available at the application area.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as "commercial", bordering "low density residential".

RECOMMENDATION: The applicant wishes to downzone this site for the purpose of single-family residential development, in conformance with an approved plat. The remaining "LC" zoned corner will allow for future commercial development. The requested down zoning is in character with the surrounding area, and consistent with the comprehensive plan for this general area. As this property develops, the *Unified Zoning Code* property development standards will apply.

Based upon information available prior to the public hearings, planning staff recommends that the zone change request be **APPROVED**.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All property north, south, and west of the application area is zoned "SF-5" and platted for low-density residential development. The requested zone change and proposed residential development are in character with the surrounding uses.
2. The suitability of the subject property for the uses to which it has been restricted: As the application area has been platted for single-family residential development, the current "LC" zoning would permit single-family use but also allow the possibility of commercial uses in the Southern Ridge residential development, which is not desired by the developer.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The proposed zone change, from "LC" to "SF-5", and the proposed development, would require conformance to all property development standards in the *Unified Zoning Code*. This zone change, and proposed development, should have no detrimental affect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Comprehensive Plan* "Wichita Land Use Guide" designates the application area as "commercial". However, this 125-foot wide site borders land designated for low-density residential development.
5. Impact of the proposed development on community facilities: The requested re-zoning should have no negative impact on community facilities.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAEL IS moved, **JOHNSON** seconded the motion, and it carried (11-0).

6. **Case No.: CON2002-54** – Ernie Doyan (owner/applicant); Ferris Consulting c/o Greg Ferris (agent) request a conditional use to permit vehicle sales on property zoned “LC” Limited Commercial on property described as;

Lots 98, 100, 102, 104, 106, and 108 on Lawrence Avenue (now Broadway Avenue), English's 7th Addition to Wichita, Sedgwick County, Kansas. Generally located at the southwest corner of Funston and Broadway.

BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on a 0.48 acre platted tract located south of Funston and west of Broadway (1801 S. Broadway). The subject property is zoned “LC” Limited Commercial. The northern portion of the subject property is developed with a vacant restaurant building. The southern portion of the subject property is vacant and formerly was developed with two single-family residences that recently have been razed. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the “LC” Limited Commercial zoning district.

The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses, including numerous vehicle sales lots along the Broadway corridor. The zoning of the properties to the north, south, and east is “LC” Limited Commercial, and the zoning of the properties to the west is “TF-3” Two-Family. The property across Funston to the north is developed with a single-family residence. The property to the south is developed with a restaurant. The properties to the east across Broadway are developed with single-family residences. The properties to the west across the alley also are developed with single-family residences.

The applicant has submitted a site plan showing the proposed use of the subject property as a vehicle sales lot. The site plan shows a 900 square foot sales/office building and 13,850 square feet of vehicle display area. The site plan shows eight employee/customer parking spaces, which exceeds the Unified Zoning Code parking requirement by three spaces. The site plan shows a landscaped street yard along Broadway that conforms to size requirements of the Landscape Ordinance; however, due to the substandard setback for the building on the site, a portion of the landscaped street yard must be behind the wall line of the building, which will require a partial landscape waiver by the Planning Director. Also, the two trees shown in the landscape street yard are ornamental trees, which does not meet the two shade trees or four ornamental trees required by the Landscape Ordinance. The site plan shows landscape buffering along the east property line that meets the requirements of the Landscape Ordinance. Since the properties across the alley to the west already have screening fences, the site plan proposes to defer the screening requirement for the vehicle sales lot along the west property line. The site plan shows 30 feet of half-street right-of-way for Broadway, which is 30 feet less than the 60-feet of half-street right-of-way required by the Subdivision Regulations for arterial streets. The site plan shows that the southern-most drive on Broadway will be permanently closed and the northern-most drive on Broadway will be closed with a barrier. The site plan shows that the existing drive on Funston will be closed and replaced with a new two-way approach. No vehicular access will be provided from the site to the unpaved alley. The site plan does not show the proposed location or height of light poles, nor does it show the proposed location and screening method for a trash receptacle.

CASE HISTORY: The subject property is platted as part of English's 7th Addition, which was recorded on November 25, 1885.

ADJACENT ZONING AND LAND USE:

NORTH:	“LC”	Single-family
SOUTH:	“LC”	Restaurant
EAST:	“LC”	Single family
WEST:	“TF-3”	Single-family

PUBLIC SERVICES: This subject property has access to Broadway, a four-lane arterial with current traffic volumes of approximately 11,000 vehicles per day, and Funston, a local street. The 2030 Transportation Plan estimates that traffic volumes on Broadway will remain approximately 11,000 vehicles per day. The proposed development would generate less than 100 trips in the peak hour; therefore, the City's Access Management Policy indicates that the applicant does not need to prepare a traffic impact analysis. Municipal water and sewer services are currently provided to this site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for “Commercial” development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. All requirements of Section III.D.6.x. (attached) of the Unified Zoning Code shall be met.
2. The applicant shall submit by separate instrument a contingent dedication of 30 additional feet of street right-of-way along the property's Broadway frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.

3. The southern-most access drive to Broadway and the existing access drive to Funston shall be permanently closed, and the applicant shall provide a guarantee for closure of these drives in a form suitable to the City Engineer within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable. The northern-most drive to Broadway shall be closed with a barrier or gate as long as the property is operated as a vehicle sale lot. The applicant shall dedicate by separate instrument complete access control except for two openings along the property's Broadway frontage within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
4. Parking spaces for employees and customers shall be marked and designated for employees and customers and shall not be used for display of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be used in conjunction with any use not directly related to such a business unless sufficient parking spaces for such business(es) are provided per a site plan approved by the Planning Director.
5. A landscaped street yard and landscape buffer shall be provided and maintained on the property that shall comply with all requirements of the Landscape Ordinance except that a partial waiver of the landscape requirements to permit the landscaped street yard to be located behind the building wall line may be permitted by the Planning Director.
6. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) and illustrating the location of light poles, including height not to exceed 14 feet, and trash receptacle, including screening method, shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
7. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
8. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
9. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses including vehicle sales. Most of the property along Broadway is zoned "LC" Limited Commercial, with residential zoning limited to areas along the streets east and west of Broadway. The proposed vehicle sales lot is consistent with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is apparently suitable for commercial uses to which it has been restricted; however, vehicle sales is an established use in the area and can be suitable for the subject property if developed according to the recommended conditions of approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects should be minimized by the recommended conditions of approval that would limit lighting, noise, and display area practices from adversely impacting nearby property.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. This site is located along Broadway, and the recommended conditions of approval have provisions which limit noise, lighting, and other adverse impacts. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. This site is located along Broadway in an area where auto-related commercial uses already exist.
5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities if the recommended additional street right-of-way and access controls are provided along Broadway. Not providing the recommended additional street right-of-way and access controls may hinder the City's ability to provide a roadway that is of sufficient capacity for future traffic volumes.

SCOTT KNEBEL, Planning staff recommends approval subject to conditions. The applicant has indicated to staff that that are in agreement with all conditions except Condition #2 regarding the dedication of additional right-of-way for Broadway. There is a letter from a couple of the neighbors who request several additional conditions. One is requiring a six-foot fence to be installed along the west property line. The applicant indicated to staff that they are agreeable to this additional condition; therefore, staff recommends that the requirement for a fence be added as a condition. The neighbors also request that the site drain to Broadway instead of to the alley. The applicant will be required to do a drainage plan in order to get a paving permit, and this issue will be addressed at that time. There was a request that the lot be well lit, and there is a condition in staff's recommendation to address this. The neighbors also request that the lot not be used for the storage of vehicles by an adjacent pawn shop. Staff did not add a condition to address this because the zoning of the property does not permit vehicle storage.

HENTZEN On page 3, under "Public Services" it says that the 2030 Transportation Plan estimates that traffic volumes on Broadway will remain approximately 11,000 vehicles per day. Are you kidding?

KNEBEL No. That is what the Transportation Plan calls out. I don't disagree with you, though, that there is a good possibility for a traffic increase, but that is not reflected in the Transportation Plan that the MAPC adopted.

GAROFALO If in reference to the storage of vehicles, if that were done on this site after the Conditional Use Permit was issued--and there was some storage of vehicles not for sale--would that be a violation of the Conditional Use Permit?

KNEBEL I don't think it would be a violation of the Conditional Use, but it would be a violation of the underlying zoning, because the zoning for a vehicle storage yard is a minimum of General Commercial.

GAROFALO Could the Conditional Use Permit be revoked if the owner allowed that happen?

KNEBEL I don't think so unless it was a violation of one of the conditions.

GAROFALO If it was included as a condition?

KNEBEL You could put in a condition that they not have any outdoor storage, and then if they did, it would be a violation of the Conditional Use.

BARFIELD Is the pawnshop owned by the applicant?

KNEBEL Yes, that is my understanding.

GREG FERRIS Mr. Doyan, the applicant, owns the pawnshop. If you would like to add the condition of no outdoor storage you can. We are not allowed to do it anyway. We don't have any problems with any of the conditions except #2 regarding the dedication of the right-of-way. The Public Works Department has no plans to widen this street. Part of the property that we would be dedicating is where the building is located. We just don't think that the Conditional Use process is the appropriate time to require us to dedicate 30 feet of street right-of-way. If the City determines in the future that they need this land, they can offer us a fair price for the land, but to make us give it to you before you allow us to use the land, we believe that it is not appropriate. If we give you that, that much space on this smaller lot, we believe it will limit our use of this property.

We agree to add a six-foot fence along the west property line. We want to be good neighbors. The lights are a part of the conditions already. Condition #3 states that the northern-most drive to Broadway shall be closed with a barrier or gate as long as the property is operated as a vehicle sales lot. If you look at the site plan--we have left that open because it provides access our office. We have agreed to close the southern drive. We have agreed to close the Funston Drive and move it away from the alley. So we do not think that it is not necessary for us to put a barrier there. We may do that, but we don't want it to be a condition. We are already giving up an access on Broadway, which is an improvement, and we have torn down some horrible looking buildings. We are going to landscape it, and we will put up a fence. It will look better than it was six months ago.

WARREN You want to keep two driveways open on Broadway?

FERRIS Yes.

WARREN How much right-of-way is now on Broadway? Thirty feet either side of the line?

FERRIS I believe they have 30 feet, and they want another 30 feet.

GAROFALO I am confused on the driveways. Your site plan shows two on Broadway but now you want to close them?

FERRIS (Indicating on the site plan.) We are agreeing to close this driveway and move it away from the alley. We don't have any problem with that. We are agreeing to close one driveway. We are not agreeing to barricade this driveway.

BARFIELD How far is that drive from the intersection?

FERRIS About 25 feet. It is the drive, however, that would be used if someone wanted to use this later --if this was sold as a separate lot. I thought we could do what staff said regarding barricading the drive, but the applicant did not want to do that.

WARREN I think this Access Management policy is working a hardship on many of the older areas, and I think that is wrong in some of these areas. I agree with the applicant.

MOTION: Adopt the findings of fact as set out in the staff report and approve the request subject to the conditions recommended by staff, except that Condition #2 regarding the dedication of an additional 30 feet of street right-of-way be deleted, the sentence in Condition #3 regarding closing the northern-most drive to Broadway with a barrier be deleted, a requirement for the six-foot fence on the west property line be added, and a prohibition on the lot being used as a vehicle storage yard be added.

WARREN moved, **WELLS** seconded the motion.

KNEBEL The supplementary use regulations of the Zoning Code require vehicle display areas to have a barrier where adjacent to right-of-way, so if the barrier is not provided across that drive adjacent to Broadway then the display area that is shown there cannot be used as a display area. It will have to be left open as a driveway.

BISHOP I have several questions. What is the reason for the request for the 30-foot dedication? Is that based on the Access Management policy or was it Public Works that requested it?

KNEBEL The Access Management policy and being consistent with the other properties that developed along Broadway. There are no public projects planned.

BISHOP Is there room in the policy for perhaps a 20 foot contingent dedication?

KNEBEL Certainly.

BISHOP Would anything more than ten feet entail going up to the building?

KNEBEL A portion of the building is set back less than five feet from the street.

BISHOP Is the barrier meant to be in existence all the time and not just when the business is closed?

KNEBEL Yes the barrier would be there all the time.

VOTE ON MOTION: and it carried (11-0).

7. **Case No.: CON2002-52** – John G. Wylie Goshen Christian Center c/o Pastor Larry Barber (contract purchaser) request a Sedgwick County Conditional Use for church on property zoned "RR" Rural Residential on property described as;

Commencing at the Northwest corner of said Southwest One-Quarter; thence South 00 degrees 00'00" West (assumed) along the west line of said Southwest One-Quarter for 1989.16 feet to the point of beginning; thence North 89 degrees 38'06" East for 1327.73 feet to the East line of the West one-half of said Southwest One-Quarter; thence South 00 degrees 01'47" East along the East line of said West One-half for 331.03 feet; thence South 89 degrees 36'49" West for 1327.91 feet to the West line of said Southwest One-Quarter; thence North 00 degrees 00'00" East for 331.52 feet to the point of beginning. Subject to existing Road Right of Way.

AND

A tract of land located in the Southwest Quarter of Section 9, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning 1989.16 feet South of the Northwest corner of the Southwest Quarter; thence East 1327.73 feet; thence South 331.03 feet; thence West 1327.91 feet; thence North 331.52 feet to the point of beginning, EXCEPT the West 50 feet for road and except that part deeded to the State for Highway. Generally located at the northeast intersection of K-254 (61st Street North) and Webb Road.

BACKGROUND: The applicant is requesting consideration for a Conditional Use to allow a church on property zoned "RR" Rural Residential. The unplatted 11-acre site is located northeast of the 61st Street North and the Webb Road intersection. The applicant proposes to develop the church in three phases and has provided site plans showing these three phases of development. Churches are permitted by right in all residential zoning districts, except the "RR" zoning district where a Conditional Use is required.

The site plans' three phases of development for the church shows the initial development of a 13,000-square foot church building with a proposed 500 seats, the proposed parking layout with 81 parking stalls, access to the church and the location of a proposed lagoon. The existing house and garage with its access is also shown. The applicant proposes to use the house and garage for storage and possibly a parsonage. The second phase shows the addition of two 320-square foot wings on the west and east sides and additional parking. The third and final phase shows the addition of a 10,400-square foot extension, located towards the north side of the site and additional parking. The additional parking wraps around the east and west sides of the church and goes towards the north end of the site; towards an existing residence. A landscape area is called out on the site plan, but no details are given. No signage, lights or elevation of the church are shown.

The subject property is in Sedgwick County, is outside the 2030 urban service area and outside two small city's zoning area of influence. The site's current use is agricultural and is mixture of wild grasses. The site and the surrounding area is zoned "RR" Rural Residential. There is a 10-acre tract with a residence on it abutting the north end of the site. There are five more 10-acre tracts with residences on them north of the abutting site. The areas to the east and west are being used for crops (west) and cattle (east). South of the site, across 61st Street North/K-254 there is some scattered large lot single-family residences and more agricultural land.

CASE HISTORY: The unplatted tract currently has a garage/house on it.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Large lot residential & Agriculture
EAST:	"RR" Rural Residential	Agriculture - cattle
SOUTH:	"RR" Rural Residential	Large lot residential & Agriculture
WEST:	"RR" Rural Residential	Agriculture

PUBLIC SERVICES: Webb Road north of the 61st Street North/K-254 intersection is an unpaved Payne Township road. Webb Road/K-254 is a 4-lane expressway. The 2030 Transportation Plan shows no change in status for these roads. The traffic count at this intersection is 10,500 average trips per day on 61st Street North/K-254, east and west of the intersection. There is no sewer available for the site. Water available would be well water or a rural water district. Electricity is available for the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as Rural. This category encompasses land outside the 30-year Wichita urban service boundary and the small city growth areas. This category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses and large lot residential uses. The Unified Zoning Code requires a Conditional Use for churches in the "RR" Rural Residential zoning district.

RECOMMENDATION: Based on the information available prior to the public hearing, staff recommends the application be APPROVED subject to a platting within a year and with the following conditions.

1. The church will comply with the Sedgwick County standards for water service for the church's use.
2. The surface required for the roads used by the church for access to the site will be asphalt, concrete or a surface approved by Sedgwick County Code Enforcement Department prior to operations commencing on the site.
3. The surface of the parking lots shall be concrete, asphalt, or an all weather surface as recommended and approved by the Sedgwick County Code Enforcement Department prior to operations commencing on the site.
4. The church will comply with the Sedgwick County and KDHE standards for a lagoon for the church's use prior to operations commencing on the site.
5. Signage shall be one monument type sign, with indirect lighting, no electrical message boards, no taller than 15-feet from the ground level to the top of the sign, shall be no more than 12-square feet in area and made of similar materials as the church. Signage on the church confined to one on the principal south wall of the church, with indirect lighting, no electrical message boards, with individual letters no larger than 2-feet (x) 2-feet. Signage shall be shown on the revised site plan.
6. Landscaping will consist of a 30-foot wide landscape buffer along the north side of the site with evergreen trees, a minimum of 5-feet tall planted every 30-feet. Along the 61st Street North frontage, where the parking lot is located there shall be a 10-foot landscape buffer with trees every 50-feet. Along the east and west side parking lots, running parallel to their west and east sides trees will be planted every 50-feet within a 10-foot landscape buffer.
7. Development shall be substantially in conformance with a revised Site Plan and Landscape Plan.
8. The drive to the garage & house off of Webb Road will be closed when the access to the church is developed. One point of access onto the frontage road on the south side of the church site, full access control on the Webb Road frontage, both to shown on the plat.
9. Pole lighting shall be no taller than 15-feet in height and shall be directed onto the church property and away from the residence on the site's north side.
10. The church shall agree to hook up to water and sewer when these services become available.
11. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the surrounding area is zoned "RR" Rural Residential. The immediate surrounding area is developed as agricultural with scattered single-family residence.
2. The suitability of the subject property for the uses to which it has been restricted: The site is agricultural in character with the approximately 11-acres in wild grasses and/or crops. The site could continue to be used as it is or developed as residential with well and a lagoon. Because there are no plans for water and sewer service to be provided to this area large lot residential subdivisions are unlikely at this time or in the future.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Comprehensive Plan identifies the best use for this area as agricultural or similar compatible land use, which a church could be with the conditions required for this request. The request for a church on "RR" Rural Residential zoning is a Conditional Use per the Unified Zoning Code.
5. Impact of the proposed development on community facilities: The impact of this development on the community facilities will be significant. There will be increase in traffic on the site that will require paving of the frontage road up to the entrance into the church and that portion of Webb where it comes off of 61st Street North and intersects the frontage road.

BILL LONGNECKER, Planning staff presented the staff report. There has been a protest petition received and this application will go to the County Commission.

DON FOLGER J. & ASSOCIATES, 234 S Topeka, Wichita, KS 67202, Agent. What I wanted to do was explain what this church is doing now at their current site and what they propose to do at this site. This church is averaging around 100 to 150 people where they are currently located in Wichita. They don't know how big they are going to grow to, but they needed to present a proposed development plan to apply for the Conditional Use. The first phase has a building that will house 300 people and could eventually grow to a building size of around 10,000 square feet. They don't know how long it will take for them to grow to the point before they need the 10,000 square-foot building. The other issue is the house and garage, which is where they will probably have the Associate Pastor live, when the church is completed. Until then, they will possibly rent the building out. Condition #8 talks about the drive to the garage and house off of Webb Road being closed when the access to the church is developed. There is, as proposed, one point of access onto the frontage road on the south side of the church site with full access control on the Webb Road frontage, both requirements to be shown on the plat. This is an inconvenience. We would like to use the access onto Webb for the house and garage until the church site is developed. At that time we would close the access onto Webb for the house and have its access off the south frontage road and through the church site. The only other issues are the related to being in conformance with this current design, which could change due to location of the lagoon and design changes. There could be issues during the platting in placing where the proposed lagoon would be. This whole building could move to the west where the lagoon is probably going to be. Because of these uncertainties, we could possibly need to be able to modify this site plan.

WARREN Likely the final site plan will be later with the preliminary plat.

FOLGER Yes, at platting we should have a better site plan.

WARREN If we deleted this requirement of the site plan you would have it at the time of platting.

FOLGER Yes.

BISHOP What is the source of water for the church?

LONGNECKER Well water.

FOLGER They will not be able to sprinkle the building.

VICKI CHRISTIANSEN, 6400 N. Webb Rd, Wichita KS 67226. I am right next to the building that is suppose to be out there. I have lived here 18 years. When Mr. Wiley bought the 20 acres, he built this current building, which was supposed to be for his business. Mr. Wiley sold the house and tried to sell the property. Everybody out there wants to be in the country. There are churches all over the place. So everybody has been living out there for 18 or more years. We have enough churches out there. It is peaceful and quiet, and we don't want the traffic out there. It is just country living out there. I have two lots out there.

MICHAELIS Are you on well water?

CHRISTIANSEN No, it is rural water.

BARFIELD Is farming taking place out there.

CHRISTIANSEN I know Butch farms out there all summer long. It is busy out there with the tractors and hay trucks.

RAY MATTICKS, 6320 N. Webb Road, Wichita, KS 67226 My property is just north of the church. I am concerned about the traffic that will be crossing Webb Road. I am also concerned about the smell of the lagoons, and the privacy that we have out there. My wife and I bought the Wiley's house about a year ago because we wanted to live in a rural setting. That is rural water right now we have good pressure, but we probably will not have it if the church is built and uses the rural water lines. This is not very good place for this church.

DON FOLGER I just wanted to touch why this site was chosen. The site was on the market. K-254 is expanding, and being right here on the corner of Webb and K-254 will be a good location. In terms of the residential versus the use of farming--the ten-acre lots on the north will abut the church. The cattle farming to the east would abut the west side of the church property. The farming would face 254 and it would have more farm land to its back to the north. Landscaping on the church's north property line should help buffer the residential on that side. We didn't want to help with the paving of the road, but we understand how that improvement is needed for the activity on the site. Most of the issues are being addressed and we are willing to work with the staff.

MOTION: To deny based on the land use being extremely rural in nature at this time and the lack of public services available at this time.

BISHOP moved.

MOTION dies no second.

MOTION: To approve subject to the staff comments with the following modification on Item #8 that that as long as that portion of the property where the house and garage is located is operated as a residence and not as part of the church itself or some facility associated with the church that the drive would remain open, but if it shifts from being single family residential property the drive would be closed.

MARNELL moved, **BARFIELD** seconded the motion.

WARREN I have a question of the motion maker. On Item #7 it says development shall be substantially in conformance with the Site Plan and Landscape Plan. The agent did state that the site plan may change and that we delete that requirement and then make it resurface at the final plat stage.

MARNELL I have no problem modifying Condition #7 since it is going to come up at plat anyway.

LONGNECKER The language in the Condition #7 refers to a revised site and landscape plan, which would allow the applicant to make any necessary changes. I don't think we need to modify or delete Condition #7, because its language does not tie the applicant to this site plan, but allows for modification.

WARREN Ok, I agree Condition #7 does not tie the applicant to this site plan and allows for changes, so Condition #7 stays.

VOTE ON MOTION: and it carried (10-1) **BISHOP** opposed.

8a. **Case No.: CUP2002-53 DP95 Amendment #3 (Associated with ZON2002-64)** New Song Academy (owner); Baughman Company P.A., (Terry Smythe), John T. Arnold Associates (Don Arnold Jr.) (agents) request an Amendment to The Fantasea Community Unit Plan on property described as;

AND

8b. **Case No.: ZON2002-64 (Associated with CUP2002-53 DP95 Amendment #3)** - New Song Academy (owner); Baughman Company P.A., (Terry Smythe), John T. Arnold Associates (Don Arnold Jr.) (agents) request a zone change from "MF-18" Multi-family Residential to "GO" General Office on property described as;

Lot 2, Block 1, Fantasea II, an Addition to Wichita, Sedgwick County, Kansas. Generally located North of 32nd Street North and east of Rushwood.

BACKGROUND: The applicant requests a zone change from "MF-18" to "GO" on a 2.75 acre platted site located north of 32nd Street North and east of Rushwood. The zone change application area is Tract 2 of Parcel C, DP 95. The applicant proposes to develop the subject property with general office uses, subject to restrictions within the existing DP 95 (see attached). The existing CUP limits the application area to a maximum of 33 multi-family dwelling units, 30% maximum building coverage, and 35-foot building height.

The applicant also requests an amendment to DP 95 Parcel C (4.48 acres - Tract 1 and 2) to allow for General Office uses on Tract 2, with the exception of 28 uses that may be considered more intense than those allowed by the current

CUP, or may be considered out of character with the surrounding area. See attached exhibits for existing text and the applicant's proposed changes for Parcel C.

The surrounding area is characterized by nearby public and private schools, single and multi-family residential development, and some vacant property, all near K96. The application areas, and the properties to the north and east, are a part of DP 95. North of the site is "GC" zoned property, owned by the YMCA, and developed with a large detention pond; further north is K96. South of the application area, across 32nd Street North, is an "SF-5" zoned elementary school and single-family development. The properties east of the site are zoned "MF-18"; immediately east of the site is an undeveloped property, further east are multi-family developments. West of the application area is the "MF-18" zoned New Song Academy. Further west lies the "GC" zoned YMCA, and the Home Depot store at the Woodlawn intersection.

CASE HISTORY: The application area was platted as Parcel C, Tracts 1 and 2, of the Fantasea II Addition in 1986. The application area is under DP 95 (Fantasea Community Unit Plan).

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	detention pond
SOUTH:	"SF-5"	elementary school
EAST:	"MF-18"	vacant, multi-family housing
WEST:	"MF-18", "GC"	private school, YMCA, Home Depot

PUBLIC SERVICES: 32nd Street North is a two-lane, paved collector with a 70-foot right of way at the application area; however, the paving width is currently only 20 feet. DP 95 grants two points of access onto 32nd from Parcel C (Tracts 1 and 2). Tract One, developed with a private school, already has two points of access. The school has a total of four points of access; two more exist on Parcel B with complete cross-lot circulation. The applicant is not requesting an amendment to the CUP access controls. Therefore, the private school will be required to give up one access point on Tract 1 of Parcel C in order to grant one opening to the application area - Tract 2 of Parcel C.

This section of 32nd Street North had a March 2002 traffic count of 1,540 ADTs, which is low for a designated collector. 32nd Street North is not signalized at Woodlawn or Rock, and these intersections experience congestion. Because it is not an arterial, traffic projections are not available for 32nd. The CIP shows no planned improvements to this section of 32nd Street North.

City water and sewer are available at the application area. A sidewalk exists on the south side of 32nd, and an asphalt bicycle path exists on the north side of 32nd. The application area has a 125-foot overhead utility easement along the east boundary.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the general location as appropriate for "High-Density Residential" development, bordering areas are identified as appropriate for "Public/Institutional" development.

The Office Locational Guidelines of the *Comprehensive Plan* state that office uses should be generally located adjacent to arterial streets; that local, service-oriented offices should be incorporated within or adjacent to neighborhood and community scale commercial development; and that low-density office use can serve as a transitional land use between residential uses and higher intensity uses.

Because 32nd Street North is a collector, and not an arterial, the Access Management Policy does not apply to this location.

RECOMMENDATION: The *Comprehensive Plan* designates the application area as "High-Density Residential". However, the presence of overhead utilities, and proximity to K96 may make this site less desirable for residential development. The application area is generally consistent with the *Comprehensive Plan* Office Locational Guidelines for low-density offices on small sites. The requested office development could serve as a buffer between multi-family residential development to the east, and the school, YMCA, and Home Depot to the west. The existing CUP (to include the requested amendment), and the property development standards of the Unified Zoning Code require screening, landscaping, and other requirements that should mitigate any potential negative affects on the nearby residential neighborhoods.

Under DP 95, the application area could develop 33 multi-family dwelling units, which would generate approximately 231 vehicle ADTs (average daily trips). Staff recommends that the requested zone change and CUP amendment be tailored to ensure that generated traffic is not significantly greater than what would be generated under the parcels current restrictions. Therefore, staff recommends that the CUP amendment include a gross Floor Area Ratio (FAR) of .12 for office development, which would amount to approximately 14,000 square feet of office space. Because of the mentioned site constraints, this proposed FAR should not overly constrain development of the 2.75-acre site.

32nd Street North currently experiences congestion during elementary school drop off and pick up hours. The City Traffic Engineer is currently working with the school and neighbors to develop solutions; he recommends that the application area be responsible for its portion of widening 32nd Street North to three lanes, should that be required. The access controls of the current CUP will enable the application area to have only one opening onto 32nd, limiting the number of potential future traffic conflict points.

Therefore, based upon information available prior to the public hearings, planning staff recommends that the zone change request and CUP amendment request be APPROVED subject to the following conditions:

1. The amendment to DP 95 Parcel C, Tract 2 shall include a maximum FAR of .12 for office development.
2. The amendment to DP 95 shall include the following architectural controls: Buildings on Parcel C, Tracts 1 and 2, shall be of a consistent architectural scale, style, and primary exterior building material; the Planning Director shall approve elevations prior to issuing building permits.
3. Should the City Traffic Engineer determine it necessary to widen 32nd Street North to three lanes at the application area; the owners of Tract 2, Parcel C, DP 95 shall be responsible for their segment of widening.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is developed with a mixture of single-family residential, multi-family residential, institutional, and commercial zoning and uses, all on a collector through street. The area has the constraining elements of a detention pond, and an overhead utility easement. The requested "GO" zoning should not be out of character with the surrounding mixed uses along 32nd Street North, provided that the CUP appropriately limits the scale of office development. The proposed architectural controls will ensure that office buildings are in character with the existing private school, which is of a residential scale, character, and materials.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "MF-18" Multi-Family Residential and could be developed for multi-family use under the restrictions of the current CUP. However, the site has remained undeveloped for some time. High-voltage transmission and distribution lines run along the east boundary of the property, within an overhead utility easement. The overhead lines and 125-foot wide utility easement could discourage residential development on the application area.
6. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "GO" zoning at the application area will introduce a new use to the existing mixture of uses along 32nd Street North. Limited scale office development could serve as a buffer between multi-family uses east of the application area, and the institutional and commercial uses to the west. If the scale of office development is limited, the existing development standards of the CUP and Unified Zoning Code should mitigate any negative affect on nearby residences through required screening, landscaping, noise and light limitations, proposed architectural controls, and other development standards. Should the requested office development be limited in scale as recommended, additional traffic on 32nd Street North will not exceed the traffic that would be generated under the current zoning and CUP restrictions.
7. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested zone change is not in conformance with the *Comprehensive Plan* "Wichita Land Use Guide", but is in conformance with the Office Locational Guidelines for low-density offices on small sites. As discussed in this report, the application area may not be desirable for residential development. The requested CUP amendment, should it limit the scale of office development, is consistent with the Uniform Zoning Code intent for CUPs to employ standards which mitigate negative affects on surrounding properties.
8. Impact of the proposed development on community facilities: Proposed "GO" uses at this location will generate more traffic than the current undeveloped lot. If office development scale is limited as recommended, the requested changes will generate no more traffic than what could be generated under the current restrictions. Should widening improvements be made by the owner (if determined necessary), the proposed development should not have a negative impact on the existing 32nd Street North.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **JOHNSON** seconded the motion, and it carried (11-0).

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9. **Case No.: CUP2002-54 DP150 Amendment #4** – Walmart Properties, Inc. c/o Walmart Stores, Inc.; Royal Associates; Wichita Inn West Joint Venture, c/o Doug Maryott, Managing Partner; (owners); Kaplan, McMillan and Harris c/o Robert W. Kaplan (agent) request Amendment to The Landing Community Unit Plan on property described as;

Lots 1 and 2, The Landing 2nd Addition to the City of Wichita, Sedgwick County, Kansas.
and

Lot 1, Air Park 3rd Addition, Wichita, Sedgwick County, Kansas except that part taken for highway in Condemnation Case 94C-1784.

and

Lot 1, Air Park 2nd Addition, Wichita, Sedgwick County, Kansas, except that part taken for highway in Condemnation Case 94C-1784. Generally located On the north of Kellogg and east of Dugan.

BACKGROUND: The applicant is requesting that Parcel 1 be expanded from 748,280 square feet to 810,890 square feet, or from 17 to 18.75 acres. The increased acreage is for more parking for a Walmart Supercenter. Parcel 4 would be eliminated, demolishing an existing hotel, the Wichita Inn, and a small restaurant/bar, Carrie B's.

The parking layout has more parking spaces than UZC requirements, roughly five spaces per 1000 feet of gross floor area.

The surrounding area to the east and west is large-scale commercial uses on properties zoned "GC" General Commercial or "LC" Limited Commercial. Candlewood Hotel is located directly to the east of the rear storage area for Wal-Mart. Other uses to the east are Furniture Row, a car dealership, a hotel, a new commercial building, and a small amount of vacant land. The property to the west includes McDonalds (Parcel 3 of this C.U.P.), Wendy's and a power center (Office Depot, Burlington Coat Factory, etc.). Kellogg Drive and the expressway form the southern boundary.

The property north of Taft is zoned "SF-5" Single-family and developed with single-family residences except for the block between Brummett and Julia recently rezoned "LC".

CASE HISTORY: Amendment #3 to DP-150 The Landing was approved by MAPC on October 24, 2002. This amendment was similar to the current request. It expanded Parcel 1 from 14 to 17 acres by giving a part of Parcel 4 (the remainder would be added by the current application) and a part of Parcel 2 (Sam's Club) to the Walmart parcel. Additionally, outdoor storage was allowed on the northern side of the building but only if entirely screened by a screening wall and landscaped street yard buffer. This amendment also eliminated seasonal outdoor display/sales from Parcel 1.

The property was originally known as DP-2 Air Park that was approved in 1964. The amendment to DP-2 in 1973 added the parcel where Wal-Mart is located on the C.U.P., but the parcel was not developed for 15 years. In 1986, DP-150 and DP-151 were approved as replacements for DP-2, although; the staff report noted that the two new community unit plans "constitute amendments to DP-2" (Air Park). Amendment #1 in 1987 increased the square footage Wal-Mart was permitted prior to freeway improvements on Kellogg, and Amendment #2 decreased the ultimate build-out on Parcels 1 and 2, but shifted acreage from the Wal-Mart parcel to the Sam's parcel for Sam's expansion. A fuel outlet was allowed by administrative adjustment in 1997.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6"	Single-family residential
EAST: "GC", "LC"	Hotel, commercial, furniture stores, vacant
SOUTH: "GC"	Kellogg freeway, auto sales and service (SE)
WEST: "GC"	McDonalds, shopping center

PUBLIC SERVICES: Access is via the Dugan Road exit onto Kellogg Drive, a frontage road to the Kellogg freeway system with a slip-off exit to Dugan Road. Dugan Road is a collector bordering the C.U.P. on the west. Taft, a collector street, borders the C.U.P. on the north, and Julia, which is also a collector street north of Taft, borders the C.U.P. on the east. Traffic along Kellogg freeway is 100,000 ADTs +, but figures are not available to evaluate the exiting volumes at Dugan.

A traffic study was submitted to the Traffic Engineer on the impact of the store expansion on the existing access points from the site to Julia and to Kellogg Drive. The study recommended closure of one access point on Kellogg Drive; and the applicant has proposed closing the eastern drive. The traffic study noted that the city had concerns with pedestrian/vehicle congestion at the main store entrance that is very close to the Julia access point. The study showed a "C" level of service for the PM peak. (See Recommendations Section for further discussion)

Normal municipal services are available to the site. A sanitary sewer line is located in a 20-foot utility easement along the current parcel boundary between Wal-Mart and Sam's. The proposed Wal-Mart building would be located over the existing sewer line. This sewer line will need to be relocated. Also, open drainage detention is being paved for parking, which will probably require redesign of the drainage plan for the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the *1999 Update to the Comprehensive Plan* identifies the C.U.P. property as appropriate for "commercial" development.

Objective X.E of the *Comprehensive Plan* seeks to improve the visual appearance of Wichita through closer attention to design and placement of public and private signage, tree planting, and other streetscape features along major streets (**Strategy X.E4**). Planting of trees along Kellogg Drive and landscaping the interior of the extremely large parking lot would be ways to better comply with the visual appearance objective of the *Comprehensive Plan*.

RECOMMENDATION: The use of the property is in conformance with the Land Use Guide of the *Comprehensive Plan*. Refinements in parking lot circulation and enhanced landscaping would improve conformance with **Strategy X.E4** on visual appearance.

Past practice of Wal-Mart has been to use outdoor onsite storage of materials rather than internal or off-site warehousing. Wal-Mart also has used parking lot areas for seasonal outdoor displays/sales areas, and often these areas are used nearly continuously. The outdoor storage and display areas effectively increase the lot coverage and gross floor area of the site

devoted to retail use, although they are not included in gross floor area calculations for determining maximum gross floor area since they are not located within a building per se. Total site coverage, including the outdoor storage and outdoor display areas would be 30 percent, the maximum permitted by Amendment #3. Even after removing Wichita Inn and Carrie B's, the site would be considered totally built-out.

Traffic to and from the Kellogg expressway can access the site from the Dugan exit onto Kellogg Drive or Dugan Road or from Julia. Congestion and conflicts between pedestrians and vehicles at the main store entrance near the Julia access point are a concern. Wal-Mart plans to move the store entrance 80 feet to the west, improve visibility at the corner of the building, and add a second major building entrance on the western side of the building. These changes will help, but staff recommends that the site circulation plan be revised to eliminate circulation from the two easternmost parking aisles onto the main circulation drive in front of the store to allow a better queuing length between Julia and the first point of vehicle conflicts.

Based upon the information available prior to the public hearing, staff recommends the request be APPROVED for Amendment #4 to the Community Unit Plan (DP-150), subject to the following conditions:

1. Add to Parcel 1 Description: "J. Maximum lot coverage, which shall include building coverage as defined by building area in the Unified Zoning Code, the area contained within the outdoor seasonal display/sales area, and the area covered by portable storage containers within the outdoor storage area north of the building, shall be limited to 30 percent of total lot area."
2. Add to General Provision #12: "A revised Site Traffic Circulation Plan to improve queuing lengths to the Julia entrances and to provide a smooth circulation flow throughout the parking lot shall be submitted for review and approval by the Traffic Engineer, with concurrence by the Planning Director, prior to issuance of any additional building permits on Parcel 1."
3. Add to General Provision #4: "Parking lot landscaping and screening shall be provided per the Landscape Ordinance for all of Parcel 1."
4. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
7. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property north of Taft is zoned "SF-5" Single-family and is developed with single-family residential except for the block between Brummett and Julia, which is vacant but rezoned "LC" zoning. The surrounding area to the east and west is large-scale commercial uses on properties zoned "GC" General Commercial or "LC" Limited Commercial. Candlewood Hotel is located directly to the east of the rear storage area for Wal-Mart. Other uses to the east are Furniture Row, a car dealership, a hotel, a new commercial building, and a small amount of vacant land. The property to the west includes McDonalds (Parcel 3 of this C.U.P.), Wendy's and a power center (Office Depot, Burlington Coat Factory, etc.). Kellogg Drive and the expressway form the southern boundary.
2. The suitability of the subject property for the uses to which it has been restricted: The site is approved for "GC" and could be developed accordingly.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Additional development, whether within the main building or by adding a significant amount of portable warehousing and outdoor sales space would increase the total retail potential of the site. Allowing more than the 30 percent maximum gross floor area including outdoor activities exceeds the level of development accounted for by the traffic study.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The proposed use of the site conforms to the Wichita Land Use Guide in terms of use. The parking lot is massive and existing landscaping is deficient, both in terms of meeting the Landscape Ordinance and the Comprehensive Plan objective for enhancing the visual appearance of along major corridors. This can be mitigated by providing ample landscaped street yards/buffers and parking lot landscaping, including trees within the parking lot.

5. Length of time the land has been vacant as currently zoned: None; the property already is the site of Wal-Mart at the current time.
6. Impact of the proposed development on community facilities: The increase in gross floor area devoted to outdoor retail sales will generate some additional traffic on Kellogg Drive and the collector streets in the vicinity. The lack of connectivity between the Sam's and Walmart parking lots, which is interrupted by the outdoor display/sales area, and the congestion by pedestrian/vehicle conflicts near the Walmart entrance and short queues to Julia Street could be mitigated by better internal parking lot design, as requested by the proposed conditions. The expansion would necessitate relocation of a sanitary sewer line and a utility easement and revision of the storm water plan for the site, and vacation of platted utility and setback lines.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, **JOHNSON** seconded the motion, and it carried (11-0).

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10. **Case No.: ZON2002-73** – D & M Enterprises c/o Dennis Niedens (owner/applicant) request a zone change from "GC" General Commercial and SF-5" Single-family Residential to "GC" General Commercial on property described as:

Lot 13, Clarkdale Subdivision. Generally located South of 61st Street South and east of Seneca.

BACKGROUND: The applicant requests a zone change from "GC" General Commercial and "SF-5" Single-Family Residential to "GC" General Commercial on a 0.94 acre platted tract located south of 61st Street South and east of Seneca. The applicant has not determined a specific use for the subject property other than to state that the rezoning is requested to permit the construction of commercial buildings and that the "GC" General Commercial zoning district was specifically requested to allow for the potential to develop an auto-body shop.

The surrounding area is characterized primarily by suburban residential uses, with a few commercial uses along the Seneca corridor between 55th Street South and 63rd Street South. Most of the properties in the area are zoned "SF-5" Single-Family Residential and are developed with single-family residences. Several residentially-developed and vacant properties along Seneca are zoned "GC" General Commercial and "LC" Limited Commercial, including the two vacant lots immediately north of the subject property, which are owned by the applicant. Vehicle repair businesses on property zoned "GC" General Commercial are located one-half block to the south on the west side of Seneca. The other two commercial business in this area are located one-quarter mile to north on the west side of Seneca. These businesses are a nursery and garden center on property zoned "GC" General Commercial and a manufacturing business on property zoned "LI" Limited Industrial.

CASE HISTORY: On March 23, 1958, the zoning for the subject property was first established as "R-1" Suburban Residential (now "SF-20"). At that time, the western third of the subject property was used as a salvage yard and vehicle sales lot in conjunction with the two lots to the north. Upon zoning of the subject property the salvage yard and vehicle sales lot became non-conforming uses.

In 1963, the property owner requested "F" Heavy Industrial (now "GI") for the western third of the subject property and the two lots to the north in an attempt to make the salvage yard and vehicle sales lot conforming uses. On April 18, 1963, the Board of County Commissioners denied the request for "F" Heavy Industrial and instead approved "C" Commercial (now "GC") zoning for the western third of the subject property. The decision was made in order to make the vehicle sales lot, but not the salvage yard, a conforming use.

In 1988, Sedgwick County condemned a portion of the subject property and constructed a drainage ditch through the property. The drainage ditch cuts through the portion of the subject property zoned for commercial uses and limits access to the portion of the subject property zoned for residential uses to cross-lot access from the abutting property to the north.

By 1991, the salvage yard had illegally expanded onto the western two-thirds of the subject property, which was still zoned "R-1" Suburban Residential. At that time, the County Zoning Administrator determined that if the western two-thirds of the subject property were to be zoned "C" Commercial that the expansion would be considered a legal expansion of a non-conforming use. Therefore, the property owner requested "C" Commercial zoning for the western two-thirds of the subject property, but the request was denied by the Board of County Commissioners on October 23, 1991 because the Board did not want to legitimize the non-conforming salvage yard.

The salvage operation continued on the subject property as a non-conforming and partially illegal use that received notices of violation due to complaints from neighboring property owners. On May 3, 1999, the subject property was struck by a tornado and damaged to an extent greater than 50% of its value, thus losing its non-conforming use status as a salvage yard. On March 24, 2000, the subject property was annexed into the City of Wichita at which time the zoning of the western two-thirds of the subject property was changed to "SF-6" Single Family (now "SF-5"). The City of Wichita pursued removal of the salvage yard from the property since the use was no longer a legal non-conforming use. The subject property was subsequently cleaned up and sold to the present owner, who has requested "GC" General Commercial zoning to permit unspecified commercial uses on the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC"	Vacant
SOUTH:	"SF-5"	Single-family
EAST:	"SF-5"	Single-family
WEST:	"SF-5"	Single-family

PUBLIC SERVICES: The subject property has frontage along Seneca, a four-lane arterial street with current traffic volumes of approximately 7,100 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Seneca will increase to approximately 8,700 vehicles per day and recommends that Seneca remain a four-lane arterial street.

Since the use of the subject property has not been identified, planning staff cannot determine the number of trips to be generated by the subject property in the peak hour; however, uses permitted in the requested "GC" General Commercial zoning district have the potential to generate traffic in excess of 500 trips in the peak hour, which would require the applicant prepare a traffic impact study and possibly install traffic improvements prior to developing the property.

Public water and sewer service are not readily available to be extended to the subject property. Therefore, any development of the subject property would likely occur with on-site water and sewer facilities, and commercial development utilizing on-site facilities has a significant potential to lead to ground-water pollution.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development. The Future Development Concept Map in the South Wichita/Haysville Area Plan shows this area as appropriate for "Residential" development. The proposed zoning for the subject property does not conform with either of these land use guides, which recommend that commercial development in this area should be located in compact clusters or nodes at the intersection of two arterial streets. In fact, the South Wichita/Haysville Area Plan was adopted for the express purpose of promoting stabilization and revitalization of the area. The vision of this plan for subject property and the surrounding area is that it would be revitalized with residential uses.

The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial uses be located adjacent to arterial streets and have site design features that limit noise, lighting, and other aspects of commercial activity from adversely impacting surrounding residential uses. The Commercial Locational Guidelines also recommend that commercial uses locate in compact clusters or nodes versus strip developments and that any commercial uses not located in planned centers or nodes be located on the fringe of the central business district, along Kellogg, or in areas where similar development exists. While the subject property is located along an arterial street, the proposed zoning request would further a strip development pattern, which exists only to a limited extent along Seneca in this area, and does not conform to the Commercial Locational Guidelines.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be DENIED. This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by suburban residential uses, with only a few commercial uses along the Seneca corridor between 55th Street South and 63rd Street South. Commercial and industrial zoning exists in the area, but the amount of zoning is limited and exists in a strip development pattern contrary to adopted plans and policies for the area. Further strip commercial zoning along Seneca in this area is inconsistent the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "GC" General Commercial and "SF-5" Single-Family Residential. The subject property is suitable for commercial development along Seneca and is suitable for development with residential and permitted institutional uses on the east side of the drainage ditch.
5. Extent to which removal of the restrictions will detrimentally affect nearby property: If residential development of the subject property occurs consistently with the revitalization vision contained in the South Wichita/Haysville area plan, the residential development likely would entail the extension of public water and sewer service to the area and combining the subject property with adjacent tracts to allow for an urban density of development. Changing the zoning of the subject property to "GC" General Commercial zoning would permit uses that are incompatible with residential uses and will make the already daunting task of revitalization even more difficult.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed zoning for the subject property does not conform with adopted plans and policies for the area. Both the Comprehensive Plan and the South Wichita/Haysville Area Plan identify the subject property as appropriate for residential development, rather than the proposed commercial development. Additionally, the Locational Guidelines of the Comprehensive Plan recommend against the type strip commercial development that the proposed rezoning would entail.
5. Impact of the proposed development on community facilities: The requested change would expand commercial land uses to an area lacking appropriate community facilities. On-site water and sanitary sewer service for a commercial business at this location would lead to a significant potential for groundwater pollution, especially

since the site is located within an area prone to shallow ground water. The right-of-way width for Seneca is 20 feet less than the standard set by the Subdivision Regulations, which could make any necessary traffic improvements difficult to achieve. The lack of access control along Seneca and the absence of a cross-lot access agreement could make it difficult to establish appropriate access to the subject property.

6. Opposition or support of neighborhood residents: Rezoning of the subject property to permit commercial uses has received consistent opposition from neighborhood residents. The 1991 request for "C" Commercial zoning was protested by five neighboring property owners and was denied by the Board of County Commissioners. At the time this report was prepared, 13 neighboring property owners had filed protest petitions (see attached) in opposition to request for "GC" General Commercial zoning.

ALTERNATIVE ACTION: In recognition of the difficulties and uncertainties involved with the ambitious revitalization efforts envisioned by the South Wichita/Haysville Area Plan, planning staff has identified an alternative action that may be taken; however, this alternative action is inconsistent with adopted plans and policies for the area and is not recommended by planning staff, who instead support allowing time for the adopted plans and policies to be implemented in this area. The alternative action is to approve "OW" Office Warehouse zoning for the subject property instead of the "GC" General Commercial zoning requested. While such an action would further the strip commercial development of Seneca, it would "step-down" the zoning as it nears residential properties, a practice which is generally recognized as a good planning principle. The alternative action should be subject to replatting the property so that access, traffic improvement, drainage, and utility issues can be addressed. The alternative action can be based on the following alternative findings:

1. The zoning, uses and character of the neighborhood: The subject property is partially zoned for commercial uses and abuts property to the north that is owned by the applicant and also is zoned for commercial uses. While this commercially-zoned property does not currently contain commercial uses, the property has been developed with commercial uses in the past. Future commercial use of the subject property is consistent with the limited pattern of strip commercial development that exists along Seneca in this area.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is somewhat unique in that it is partially zoned for commercial uses, is divided by a drainage ditch, and is presently limited to cross-lot access from the commercially-zoned property to the north. These unique circumstances limit the desirability of the subject property for low-density residential uses. The "OW" Office Warehouse zoning district is intended to accommodate office and warehousing activities for the building trades and similar business that do not require highly visible locations or the type of vehicular access needed for retail and high-intensity office development. The subject property is suitable for the intended purposes of the "OW" Office Warehouse zoning district.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on residentially-zoned properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the buffer, screening, and street yard requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting these properties. Additionally, the "OW" Office Warehouse zoning district has more stringent development standards in terms of screening, setbacks, and building height than the requested "GC" General Commercial zoning district. The "OW" Office Warehouse zoning district also does not permit auto-oriented and intensive retail uses that are most incompatible with residential uses.
4. Impact of the proposed development on community facilities: Community facilities should not be adversely impacted as long as sufficient right-of-way, access controls, traffic improvements, and utility extensions are provided for through the platting process.

SCOTT KNEBEL, Planning staff presented staff report.

WARREN Office Warehouse zoning? Would that accommodate a strip center?

KNEBEL No, it would not permit a primarily retail business.

WARREN So it would have to go to Limited Commercial in order to use it?

KNEBEL Yes, but Limited Commercial is another step down from Office Warehouse zoning. Office Warehouse will allow some limited retail but it cannot be a primarily retail business.

WARREN So that would be its greatest limitation. Other than that, it would have some flexibility.

KNEBEL No auto repair business would be allowed in Office Warehouse zoning either.

HENTZEN Is this property the one with that drainage slough in the east portion of it?

KNEBEL Drainage is in this located right here (pointing to map). The rear of the property has some access issues. About the only way to access it is a bridge at this location and through the property to the north, which the applicant owns. None

of the access is formally established through cross lot access agreements. That is one reason why we are recommending platting if the request is approved.

DENNIS NIEDENS, D & M ENTERPRISES, 1143 N. Denene, Wichita KS 67212, Applicant. I am co-owner of the property. I would like to point out that the easement basically divides the property diagonally, so the lot in question has no access whatsoever unless you cross the General Commercial property to get to it. We have obtained a permit to build a building for our personal use on the adjacent property to the north, and we would like to build a similar building on the back of this lot for possible lease to tenants. The site is so limited as far as access and size that I don't think it would have a large impact on the neighborhood because the other properties I own are zoned commercial. It is completely blocked from Seneca because of the drainage ditch. So in my opinion, it would be a natural extension of what we have already obtained a permit to do on the adjacent lot. It has a large pile of trash on it, and we would like to clean it up. We are required by the compatibility setback to set back 25 feet because we are adjacent to residential. We have agreed to that and to landscaping and screening. I would not be opposed to Office Warehouse zoning. We wanted commercial zoning to leave all the options open as far as a prospective tenant.

WARREN You access the lot to the north, then off of Seneca?

NIEDENS We could access off Seneca.

WARREN The lot to the north that you own.

NIEDENS This lot (pointing to map) has access from Seneca. This drainage ditch does not disconnect there (pointing to map) completely, so there is some access of 61st Street on the back portion of the lot. There is also a bridge across the drainage ditch here that also is access.

WARREN You are suggesting that there is only access from the lot from the north and that it would be from the easterly side of the lot.

NIEDENS There is access here (pointing to map) now from Seneca across the bridge.

WARREN But this lot that is in red would have to be accessed from the north. Is that what you are saying?

NIEDENS Correct, there is not access across the drainage ditch to the rear portion of this lot (pointing to map).

WARREN If MAPC was to consider General Commercial, which is highly unusual where you have no use defined, would you be interested in getting with someone and developing with staff to get some kind of protective overlay to limit its use to some very inoffensive uses?

NIEDENS No, we would not have a problem with that.

BISHOP I am confused about where the current General Commercial zoning is because it looks like it is in the ditch.

NIEDENS Some of it is. We probably wouldn't be doing more than one building here.

BISHOP What is currently on the area that is zoned General Commercial now?

NIEDENS Nothing.

BISHOP So you want to put a building on there? How big is it?

NIEDENS The building that we have now is 60 feet X 100 feet.

BISHOP The lot that is currently General Commercial, that is right on Seneca, how large is it?

NIEDENS I am not sure.

HENTZEN Do own that lot, the one you are pointing to?

NIEDENS We own both of them.

BISHOP How big is that small pink area within the application area?

NIEDENS The lot is about 145 feet wide, and I am guessing that part is 80 or 90 feet deep because the entire lot is about 300 foot deep.

BISHOP Your intention is not to have access via that General Commercial to the remainder of the lot because of the drainage ditch.

NIEDENS Correct.

HENTZEN What are all these protest petitions? Are they next to your property?

NIEDENS I cannot answer that. I was surprised.

KNEBEL I looked at the map. They are mostly across the street and to the north of it.

HENTZEN How many of them have the legal right to protest? Is there one or ten?

KNEBEL Several of them.

MARNELL This looks bad with all the protest petitions attached to it. Are you willing to delay and have some kind of discussion with the neighbors in this area.

NIEDENS Normally the DAB meeting is before MAPC, and I was surprised it wasn't in this case. I did not get the opportunity to discuss it with them.

WARREN What about a delay for a protective overlay so we will know what will not be able to go in there? Do you mind deferring this?

NIEDENS I don't mind a deferral.

JOHNSON This is not in Haysville. What about the property across from it? Is that in Haysville or Wichita?

KNEBEL It is either in Wichita or unincorporated. All of the commercial zoning here is 30 and 40 years old. All of that commercial zoning was approved by the County Commission, and it went through the City of Haysville for a recommendation. Until Wichita annexed this property, it was in the Haysville area of influence.

JOHNSON Once that tornado went through there were many of commercial businesses that were destroyed. Perhaps there is a need for additional commercial property in the area because I understand that even more commercial businesses will be removed when the rail bridge is constructed. The majority of that land is pretty wide open, and as the applicant stated, you really can't get to it. I would like to look a little further.

MOTION: Defer until February 20, 2003 for the applicant to get with the staff and see if a Protective Overlay can be worked out.

WARREN moved, **MARNELL** seconded the motion, and it carried (11-0).

11. **Case No.: ZON2002-72** – Wichita Concrete Pipe, Inc. c/o Brad Werth (owner/applicant); Baughman Company c/o Russ Ewy (agent) request a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial with a Protective Overlay on property described as:

A tract of land lying in the NE 1/4 of Section 32, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning at the NE corner of the NW 1/4 of said NE 1/4; thence south to the SE corner of the NW 1/4 of said NE 1/4; thence west along said south line to center of Old Chisholm Creek (now improved drainage channel); thence northerly along the center of old Chisholm Creek (now improved drainage channel) to a point on the north line of said NE 1/4; thence east to beginning, except 0.31 acres taken through Floodway Condemnation Case No. 41035 and except for road right-of-way. Generally located South of 37th Street North and west of Broadway

BACKGROUND: The applicant requests a zone change from "SF-5" Single-Family Residential to "LI" Limited Industrial with a Protective Overlay District to limit permitted uses on a 10.1 acre unplatted tract located south of 37th Street North and west of Broadway. As stated in the attached letter, the applicant proposes that the subject property be limited to the following uses: outdoor storage of concrete products and materials related to the manufacturing of concrete products, and accessory structures used for the storage and/or maintenance of stored materials. According to aerial photographs, the applicant began using the southern half of the subject property for these purposes in violation of the Unified Zoning Code sometime between 1997 and 2000 (see attached "Aerial Exhibit").

The surrounding area is characterized by a mixture of industrial and residential uses, with the industrial uses primarily located to the east. Most of the properties to the north, south, and west are zoned "SF-5" Single-Family Residential and are developed with single family residences, but are separated from the subject property by drainage ditches on the north and west. Most of the properties to the east are zoned "LI" Limited Industrial and are developed with various industrial uses.

Since adjacent properties have residential zoning, the Unified Zoning Code requires screening along the south and west property lines. Screening may be provided by decorative fencing, evergreen vegetation, or landscaped earth berms. The Landscape Ordinance requires landscape buffering along the south and west property lines and a landscaped street yard

along the north property line. The existing vegetation on the subject property likely meets the requirements of the Landscape Ordinance but does not meet the screening requirements of the Unified Zoning Code.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" Big Ditch, single-family residences
SOUTH: "SF-5" Single-family residences
EAST: "LI" Various industrial uses
WEST: "SF-5" Single-family residences

PUBLIC SERVICES: The subject property has frontage along 37th Street North, a two-lane arterial street with current traffic volumes of approximately 3,900 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on 37th Street North will increase to approximately 11,000 vehicles per day and recommends that 37th Street North remain a two-lane arterial street. The Institute of Transportation Engineers manual does not include the applicant's outdoor storage use in order to determine the number of trips generated by the use in the peak hour; therefore, the applicant will need to work with the Traffic Engineer prior to platting to determine if a traffic impact study needs to be completed for the subject property. Public water and sewer service are available to be extended to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development; however, the Planning Commission has an informal policy of supporting business expansions onto abutting property rather than requiring relocation. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the property within one year and subject to the following provisions of a Protective Overlay District:

1. The subject property shall be limited to the following uses:
 - (a) outdoor storage of concrete products and materials related to the manufacturing of concrete products; and
 - (b) accessory structures and uses related to the storage and/or maintenance of stored materials and products.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by a mixture of industrial and residential uses with the industrial uses primarily located to the east. Most of the properties to the east are zoned "LI" Limited Industrial. Given the separation from residential properties to the north and west by drainage ditches, the proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, and could be developed with residential uses; however, the subject property is a logical location for the expansion of the existing industrial business on the abutting property to the east.
6. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on residentially-zoned properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the buffer, screening, and street yard requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting these properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Low Density Residential" development; however, the Planning Commission has an informal policy of supporting business expansions onto abutting property rather than requiring relocation. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The subject property meets the Industrial Locational Guidelines.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

SCOTT KNEBEL, Planning staff presented staff report. Since the report was written several neighborhood complaints have been received and staff has taken a closer look at the property. In addition to the recommendations in the report,

staff suggests that the MAPC may want to consider requiring more than the minimum screening and limiting the height of stored materials.

RUSS EWY, BAUGHMAN COMPANY, 315 Ellis, WICHITA, KS 67211, agent. We are in agreement with staff and the recommendation. We were informed of the neighbors concerns by staff, and sitting here this afternoon we have tried to work through a few of them. This property was purchased in 1998. The property owner assumed that this property was zoned properly for the uses they have been conducting. Obviously we are here today because this property is zoned SF-5 and not LI. I think what you see in the Comprehensive Plan Land Use Guide simply indicates what the existing zoning pattern is, but we believe that single-family use is not appropriate for the property. The property to the south of this was platted in the 1920's, so residential development has existed in the area for a long time. We suggest that this property has been vacant and not been sought for an expansion of existing residential development in the area for 80 years. We are seeking the most rational use of this land. We are in agreement to add some additional restrictions to this site. Some of the slides show that there are some existing mature hedge rows that border this site, and we are willing to protect those by establishing 35 foot setback for any stored materials along the south, east, and west property lines as well as a 25 foot height limit for storage of materials. As you know, this site is unplatted, and when this site is platted following the zone change approval, we will be going through a series of drainage and grading plans required through City Engineering. Once that is established the site will be graded using the piled material, the crushed concrete as a base to store the materials on. Clean-up of this area will be done after the approval for this development project.

WELLS Are they using this site now?

EWY Yes.

BISHOP Illegally?

EWY Yes.

BISHOP for how long do you know?

EWY Probably since it was purchased, five years ago.

BRAD WERTH, Wichita Concrete Pipe, Inc., 221 W 37TH ST. N., Wichita, KS 67204, applicant. I have been with Wichita Concrete Pipe for about four years. When it came to our attention that some concrete was made in error or canceled for some reason, we hired the crushing company to crush up all the mistakes. We asked the crushing company to get all the permits. Then a complaint came in. And then we had some product that we could not sell. We put it back in that area. That rubble will disappear. We are no longer storing waste back there now. Once we were cited we stopped activity.

BARFIELD How will you dispose of your mistakes in the future?

WERTH They would be stored in the regular area.

PAT LEHMAN, 515 Manlo, Wichita, KS 67204. My husband and I have lived at 515 Manlo, Wichita, KS for thirty years and seven months. I have provided a copy of my testimony for each of you, along with a map of the area so you may see where our home is located. We are west of the creek/canal, across from the cement dump created by Wichita Concrete Pipe, Inc. Like our neighbors, our home represents the major financial investment of our life. We have made additions and improvements through our life there. We are a neighborhood of working people and retirees. We are not an affluent neighborhood. Our area is thoroughly integrated; busing for integration purposes was never necessary for our neighborhood schools. I mention the economics and demographics of our neighborhood because I believe they played a big part in the decision by Wichita Concrete Pipe to locate in our area, and in the decision by the authorities to allow the company to locate in the middle of a residential neighborhood. I was assured the operation was in fact legal, according to Wichita zoning, and nothing could be done to stop the company from locating there. Previously, this acreage was native grassland, teeming with wildlife including deer, fox, raccoons, rabbits, possums, field mice, and all the other forms of life we find in the prairie. Birds of all kinds nested in the trees along the creeks and on the land. But now, the Wichita Concrete Pipe Company has turned the grassland into a cement jungle, illegally as we now learn. The view from my front yard now includes this mountain of ground up concrete, which blows all over our neighborhood, in addition to having to listen to the noise of the equipment. I believe it is a miracle no child has been killed or maimed to date. I urge you to deny the request for a zoning change, and to demand that the Wichita Concrete Pipe, Inc. immediately vacate the location, including their original manufacturing location on 37th Street North and further, hold Wichita Concrete Pipe, Inc. liable, and responsible for cleaning up the entire location.

HENTZEN Has this been before a D.A.B. board yet?

LEHMAN No, not yet. It is going February 3, 2003 to D.A.B. VI.

GAROFALO Have you talked to the company about your complaints?

LEHMAN Several of my neighbors have attempted to do that and nothing happens and nothing changes. No response from them. They were told that the grinding of concrete is not a quiet operation nor is it a pleasant operation to be down wind from or across from and they were told that this was inventory control. So, we are stuck with these folks. You let a

little cancer be injected on the east side and now the cancer has spread. So what you are saying is--we are going to just let it grow just as big as she wants to get--and that is what we are looking at.

PHILLIP FITZMAURICE, 433 W 35TH STREET N., Wichita KS 67204. I live directly west of this property. About a year ago the noise, the ugliness of the whole situation, the pounding of noise was waking my babies up. This was the bottom line for me. This noise starts at 6:00 a.m. in the morning. At 5:00 p.m. at night, now, we just hear the tractors and the beep, beep, beep. Before they pounded these big things, there were kids in those big tubes. There were some kids that started a fire over there. When we bought the property about six years ago, it was a beautiful area. They moved in and destroyed it. I am opposed to this case. My wife is at home everyday, and she is upset because of the noise. I believe this will devalue our property. I should not even have to come down here. This is an illegal use. He (indicating the applicant) should fix this area just like it was.

MICHAELIS Have you made an effort to call the Concrete Company?

FITZMAURICE My wife did, and they told her that it was inventory control.

BARFIELD How long ago?

FITZMAURICE About a year ago.

CAROLEA RAYL, 432 W. 35th Street N., Wichita, KS 67204. I lived here since 1966. It has been a wheat field. The concrete plant has been there about two years. I see mountains of the concrete from morning to night. I hear the beep, beep, beep, and the crushing is loud. I want them to move out.

CLIFFORD RATNER, 330 W. 36TH STREET N., Wichita, KS 67204. I have been living there since 1977. It was farmland until the concrete company started dumping their stuff. There were foxes there. My wife took the dogs for a walk, and she saw the mountains of the concrete that went into the creek, and she started crying. This picture is three years old. About four or five stories high the concrete is today. It looks like a giant has just dumped a lot of concrete out there. I feel sorry for those that live right there. They (indicating the applicant) want to use all this farmland up to 37th. We will have giant mountains of concrete. So I don't think there should be any questions about it. There were trees here (pointing at map). They are gone now. I firmly do not believe that this should be granted. I didn't realize that they were in violation of the City Ordinance. If you want to drive down there, you will see what these folks are looking at and sleeping by everyday of their lives.

LEROY LEHMAN, 515 MANLO, Wichita, 67204. We have an industrial park over east of the tracts. Why would we allow that concrete company right here in the residential area? I don't understand how it got started. I am opposed to this zone change. This used to be a beautiful area. Now it looks like a dump.

MICHAEL KELLAM, 505 W 35th Street N., Wichita, KS 67204. My wife has a chronic illness, and we have two small children. At the time we moved in it was nice. There was no hint of obnoxious noise. There was grinding and noise that is not helpful to my wife and her illness. My concern is that the applicant has demonstrated they do not understand the zoning laws. This business should know what the zoning is and what the area is able to do without violating the law. I am opposed to this zone change.

EWY In hearing some of the complaints, the primary focus is the visual view of the pipe. This will be removed. If we are talking about this mound, the mound issue will be going away at the time of platting. Also, we would be happy to put a height limit of 25 feet on the concrete mounds. The site will be screened from children and all the other things. There is no access control now, but that is something that can be nailed down.

MICHAELIS Could we put that site plan back up there? My question is where the concrete pile is now and the rubbish is now. With the protective overlay, you are still wanting to pile it up there? Is there any reason why that pile can't be moved over on the existing site, and use that area (the application area) that we are talking about just strictly for the storage of pipe and not rubble or anything else?

EWY I don't believe there is the intent to store the production of concrete there.

WERTH No, this will not be where it will be stored. We want to store finished product here not secondary product.

MICHAELIS So it wouldn't be any of the stuff that those pictures indicated that are there now?

WERTH We understand clearly that we have to clean that area up.

EWY We had proposed on the voluntary protective overlay. The wording was that the subject property shall be limited to the following uses: outdoor storage of concrete products.

MICHAELIS It says outdoor products, but then also material related to manufacturing of concrete products.

EWY I think we could interject the word finished concrete product, which would limit that.

MARNELL You referred to storage to be limited to 25 feet in height? Are you talking about stacking pipe 25 feet high? Not piles of materials?

EWY That is correct.

BARFIELD You stated you have been with this company for four years. We have heard testimony that this has been going on for just the last few months. Is that your understanding?

WERTH It is not happening now. The crusher operation is gone. We are not storing product back there. When we were cited by the city in March or April of 2002 is when we stopped.

BARFIELD Would you want to live near this operation?

WERTH Not in it current condition, no.

WARREN This is a tough case. This company has not been neighborly.

ANDERSON I think the issue here is that the land is not zoned industrial, and the use is illegal. If you wanted to use this as a buffer, that would be okay. What they are complaining about is the illegal use of that land. I see no reason to believe that anything different will happen in the future. If you can use land for whatever purpose that you want, then I am going to start worrying about the area that I live in and my neighborhood.

MICHAELIS I am wondering if it would be possible to put off this zoning case until they clean this up and then come ask for it. You are not presenting a very good image of yourself or your company to these people.

MILLER Typically Office of Central Inspection, when they get a complaint, they go out and check it out. If there is a violation, then they basically advise the person that they are in violation, but they don't do any further enforcement action, provided that they get an application on file and proceed toward some sort of resolution. So based on previous experience with OCI, if this Board asks for this case to be deferred, then it would be my experience that OCI would continue to hold the case open and would not take further action until after whatever time period was left open here.

MICHAELIS I am having a hard time to approve zoning on an illegal use, and whether or not they will clean it up and be a good neighbor.

BISHOP I have a question of staff. We are kind of assuming that the citation was for a zoning violation. What about construction and demolition? Is that kind of permit in order for this activity?

MILLER My opinion would be that they certainly should have gotten a Conditional Use for a Rock Crusher, which would have required a base zone change as well. But if the intention is not to permanently leave the material on site or it is being used, say like paving for a parking lot, then I don't think that would trigger the need for a C & D Permit.

BISHOP What about using it for fill?

MILLER Concrete can be used for fill for site development. They do that all over town.

EWY That is what this is used for. It is sub-base.

BISHOP Is anything going to grow there?

EWY Hopefully not.

BARFIELD Was staff aware of the violations prior to recommending approval.

KNEBEL Yes. When I first visited the site, I immediately contacted the applicant's agent and suggested that the property be cleaned up before the hearing. Obviously, the property was not cleaned up, and you can see the result at this hearing.

BARFIELD When we have a blatant disregard for the legal zoning and the residences located around it, I can't support moving forward on this when we have these sort of blatant violations in place. I would not even think about this until they clean this up.

JOHNSON out at 3:55 p.m.

MOTION: Deny the zone change request based on findings that it is out of the character with the neighborhood, there are neighborhood protests, the Comprehensive Plan identifies this area as low density residential, and a buffer is needed from the Limited Industrial to prevent detrimental impacts on the residential uses.

GAROFALO moved, **BISHOP** seconded the motion, and it carried (10-0).

WELLS and COULTER, out at 3:58 p.m.

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12. **Case No.: DR2003-02** - The City of Clearwater seeks annexation of properties located west of 135th Street West adjacent to the City of Clearwater

The proposed annexation properties are located within the Small City Growth Areas shown for Clearwater, as established in the Wichita-Sedgwick County Comprehensive Plan, *Preparing for Change*, and within the zoning area of influence for the City of Clearwater. The 1996 Clearwater Comprehensive Development Plan shows the proposed annexation area falling largely within the future industrial expansion area for the City of Clearwater. Staff has concluded that the proposed annexation areas are compatible with the Wichita-Sedgwick County Comprehensive Plan and the adopted Comprehensive Development Plan for the City of Clearwater.

MOTION:

MARNELL moved, **MICHAELIS** seconded the motion, and it carried (8-0).

The Metropolitan Area Planning Department informally adjourned at 4:05 p.m.

State of Kansas)
Sedgwick County) ss

I, Dale Miller, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2003.

Dale Miller, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)